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.

# SOCIAL POLITICS AND MODERN DEMOCRACIES





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SOCIAL POLITICS  
AND  
MODERN DEMOCRACIES

BY  
CHARLES W. PIPKIN, D.Phil. (Oxon.)

Professor of Comparative Government at  
The Louisiana State University  
Author of "The Idea of Social Justice" and  
"World Peace Is Not a Luxury"

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FRANCE





# CHAPTER I

## A SURVEY OF THE SOCIAL MOVEMENT IN FRANCE

### I

#### FROM THE REVOLUTION TO 1871

There has been a close relationship in modern France between the growth of the Labour movement and the periods of great political upheaval which have marked the history of France since 1789. Professor Clapham, in his study, *The Economic Development of France and Germany, 1815-1914*, puts the matter succinctly by saying that, "If French political history from 1789 to 1815 had run a different course, the labour history of the nineteenth century might have done so too."<sup>1</sup> The democratic spirit of France has always sought to find its inspiration in the Revolution. The changing political conditions have not diminished the loyalty which Frenchmen feel for the traditions of their Revolution. Thus, any survey of the progress of the working class in France begins most naturally with the first Revolution. The development from that date has been largely conditioned by the great national events in France's constitutional and democratic evolution toward a stable and acceptable government. The reaction upon the Labour movement has been direct and continuous from the revolutionary epochs of 1831 and 1848, to the days of the Commune and the parliamentary crisis in the last years of the nineteenth century, directly affecting not only the organization of the working-class movement but having an effective influence in defining the problems of the leaders. The tend-

<sup>1</sup> *Op. cit.*, p. 3, Introduction. This Study was published in 1923, and may be compared with his later *An Economic History of Modern Britain: The Early Railway Age, 1820-1850* (1926).

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ency inevitably has been to give prominence to matters of theory, a fact which helps to account for the many divisions in the labour organizations and the continuous conflict in ideas and methods which has taken place in the attempt to work out a common basis for the unity of the Socialist party. The problem of labour organization has been neglected while the energies of the working class have been largely spent in endless congress debates. The leaders have divided the followers into warring camps.

This is in striking contrast to the manner in which the trade union movement has grown in political and industrial power in England, providing a firm basis for the expansion of the Labour party with a national appeal. In France the same period affords no such example of the building up of an industrial organization combined with effective administration of internal affairs. The definite goal of trade union activity which characterized the English movement gave it a healthy freedom from the entanglements of national politics while at the same time it brought to its service the two great parties, each committed to the principle of parliamentary interference. It is this progressive influence of political liberty on social questions in England which has often attracted the most thoughtful men in France to a consideration of the constitutional history of a nation which in so many instances has had to be the first to make an effort to direct the political and social revolutions of democracy.

In a period of history in both countries, which was a definite crisis for the Labour movement in each, a French critic saw how unfortunate it was "that social questions have been stirred up with us at periods of great political crises, just at the most unfavourable moment for their solution, when minds are disturbed, passions inflamed, and material prosperity rudely shaken."<sup>2</sup> For a lesson to his distracted country he turned to the example of England. "In showing the influence of political liberty on social questions in England," Louis Philippe d'Orléans wrote, "we believe that we have brought forward an encouraging example for those who are interested in the future of the same question in France. Would it be wise to neglect a parallel lesson, under the pretext that the peculiar characteristics of the British Constitution do not permit us to profit by the experiments made under its protection? We think not, and

<sup>2</sup> Louis Philippe d'Orléans, *Les associations ouvriers—Angleterre* (1869), pp. 317-318.

that this would be exaggerating the importance of the ancient and complicated machinery of which it is composed. Constitutions, however artfully framed, are invariably governed by one ruling power; one, in which real and opposite influences stood exactly balanced against one another would be shattered by their shock, like a machine subjected to contrary forces. It is not any particular clause, unknown elsewhere, which has sustained the English Constitution in the midst of all the political and social revolutions of our age; it is the power which is destined to wield sovereign authority in all free countries, and that power is public opinion. However much the constitutions, by means of which the power of opinion makes itself felt, may vary in all these countries, they may be compared to translations of one and the same thought in different languages. Why should we French, and we alone, be condemned to have no terms in our language by which to express it? We are not more excluded than others from the political liberty to which every race and every country have a right. The remedy afforded by political liberty against the dangers arising out of social questions is equally effectual among all nations, who are competent to apply it; and no people, jealous of maintaining its rank in the world, can now with impunity treat this liberty, the highest attribute of civilized man, as a mere ornament to be worn today, and on the morrow to be cast aside with disdain."<sup>3</sup> His conclusion was that, "in the midst of the uncertainty which envelops the future of France, we cannot take too frequent soundings in the track of our neighbours, whose course is beset by the same dangers as ours."<sup>4</sup>

This commentary on the progress of France made eighty years after the Revolution of 1789 indicated that the conceptions of the former era were no longer dominant. Reaction brought crisis after crisis, yet it would be a mistake to assume that the crises through which the Labour movement has gone made its history an entirely accidental and discontinuous record of working class achievement. The great forces which came out of the Revolution of 1789, conditioning a new order of society, continued with strength and power. From the beginning the French proletariat, it is said, possessed a

<sup>3</sup> *Op. cit.*, pp. 319-321. *The Trade Unions of England*, by M. Le Comte de Paris, translated by Nassau J. Senior and edited by Thomas Hughes, is the London edition of 1869; the above quotation is pp. 237-238 in English edition.

<sup>4</sup> *Op. cit.*, p. vii of Author's Preface; p. v., English edition.

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tradition already old;<sup>5</sup> and the Declaration of Rights with its emphasis upon political democracy has preserved an authority, not only in its influence on the development of the common stock of ideas in democratic France,<sup>6</sup> but has been held to be binding upon the constituent law maker and the ordinary law maker.<sup>7</sup> The methodical and uninterrupted force of economic organization making for a new society went on in France under the more noticeable revolutionary political movement of the time, and its beginnings in 1789 were carried on through the proletariat uprising from 1831 to 1871. "Revolution is *not* all the recorded events of the years over which it is extended, *but* the French people's deep and instinctive sense of the need of certain changes, and their efforts, beneath certain easily distinguished distractions to accomplish them."<sup>8</sup>

From the Revolution of 1848 the French Labour movement recognized a body of common principles and looked back upon June 1848 as an heroic period in the struggle of the workers.<sup>9</sup> Political reaction could not defeat the new spirit which was born. An enthusiasm continued among the working class which was expressed in the coöperative movement and which provided a hope for the reorganization of the Labour movement after the Commune. In a great many minds the June of 1848 and the Commune were linked together as a rallying point for the leaders.<sup>10</sup> De Tocqueville defined the new revolutionary idea when on January 29, 1848, in the Chamber of Deputies he declared that "their passions are no longer political but social."

The tradition of the revolutionary movements has provided a background for the Labour movement in its march toward parliamentary representation. But the political and economic doctrines which were behind the development of the institutions of the state had to undergo a radical change. The individualism of the Assembly

<sup>5</sup> See Preface to Paul Louis' *Histoire du socialisme français* (1901), pp. v-vii.

<sup>6</sup> Cf. Jaurès' Report for the Commission on Declaration of Principles, Congress of Tours, 1902, *Compte Rendu Quatrième Congrès Général du Parti Socialiste Français*, pp. 245, 246, 249.

<sup>7</sup> Cf. Léon Duguit, *Le droit social, le droit individuel et la transformation de l'état* (1st ed. 1908, 3rd ed. revised and with a new preface, 1922), pp. 33-40.

<sup>8</sup> Godfrey Elton, *The Revolutionary Idea in France, 1789-1871* (1923), Foreword, p. iv: Author's italics.

<sup>9</sup> Cf. *Compte Rendu du Congrès Général des Organisations Socialistes Françaises*, Paris, 1899, pp. 321, 323.

<sup>10</sup> Cf. Louis, *op. cit.*, pp. 99-100.

and the "political anti-democracy" of the First Empire did not in any way understand what social legislation was necessary to meet the demands of the new economic order which was merging from the industrial expansion of France. The legislation of the Assembly was based upon the conceptions of the economic liberalism of the time, and there was an absence of law rather than any definite effort toward control or regulation.<sup>11</sup> From 1789 to 1841 is an unbroken period where the idea of the individualistic organization of production dominated. The non-intervention of the State, the prohibitions of coalition, the liberty of work (*liberté du travail*), were the accepted principles.

The guilds were abolished by the Decree of March 2-17, 1791, which proclaimed the principle of *liberté du travail*, inaugurating the era of competition in France. By this change from the old *régime corporatif* to that of *libre concurrence* a fundamentally new condition of economic organization was introduced.<sup>12</sup> This Act stated: *Section 2.* As from 1 April next, the offices . . . of the associations of masters and trade guilds and all their professional privileges are abolished. *Section 3.* Any citizen will be at liberty to carry on any profession or craft which seems good to him, after he has provided himself with a license and paid the price thereof. Disputes between employers and workers and traders and consumers forced the Constituent Assembly to consider the whole question of industrial association. The Constituent Assembly passed June 14-17, 1791, the *Loi Chapelier*, forbidding "all kinds of corporations of the same estate and of the same trade."<sup>13</sup> It imposed penalties on persons taking part in strikes or lockouts, or becoming members of trade unions. This law indicated that the individualistic legislation was directed against the meetings, associations and coalitions of the working-men, for all coalition of the workers was declared "an attempt against liberty and the Declaration of the Rights of Man." This Act was fundamental in the new system of labour regulation in

<sup>11</sup> Cf. E. Levasseur, *Histoire des classes ouvrières et de l'industrie en France de 1789-1870* (1st ed. 1867; 2nd ed. vol. I, 1903, vol. II, 1904), chap. 1, vol. II. Cf. Pic, Paul, *Législation industrielle: Les lois ouvrières* (5th ed. 1922), with Supplement in 1925 and 1928, pp. 72-74.

<sup>12</sup> Pic, *op. cit.*, pp. 67-68, 72, 151, p. 211 seq., and Articles 2 and 7 of Decree.

<sup>13</sup> Cf. *Les associations professionnelles ouvrières* (*Office Bureau du Travail*) vol. 1 (1899), pp. 10-15, for the *Loi Chapelier* Report, and Articles 1, 2 and 4 of *Loi Chapelier*.

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France and remained in operation until 1884. "This law which, by means of State compulsion confined the struggle between capital and labour within limits comfortable for capital," Marx said, "has outlived revolutions and changes of dynasties."<sup>14</sup> The pretext for this bourgeois *coup d'état* was characteristic, thought Marx, for, said Chapelier, the reporter of the Select Committee on this law, "wages ought to be a little higher than they are . . . they ought to be high enough for him that receives them to be free from that state of absolute dependence due to the want of the necessities of life, and which is almost that of slavery."<sup>15</sup>

After the law was passed by the Assembly, Le Chapelier added: "none of us intend to prevent the merchants from discussing their common interests. I, therefore, propose to insert into the proceedings the following clause: "The National Assembly, considering that the law which it has just passed does not concern the Chambers of Commerce, passed to the order of the day."<sup>16</sup> He wished to strike equally hard at the so-called mutual benefit societies. "The bodies in question," he said, "have the avowed object of procuring relief for workers in the same occupation who fall sick or become unemployed. But let there be no mistake about this. It is for the nation and for public officials on its behalf to supply work to those who need it for their livelihood and to succour the sick . . . It should not be permissible for citizens in certain occupations to meet together in defence of their pretended common interests. There must be no more guilds in the State, but only the individual interest of each citizen and the general interest. No one shall be allowed to arouse in any citizen any kind of intermediate interest and to separate him from the public weal through the medium of corporate interests."

The intention of the Act was further defined in legislative enactment by the law of April 12, 1803, against coalitions, compelling all workmen to have at all times a special certificate (*livret*) which placed them under police control. In 1810 the law of 1803 was re-

<sup>14</sup> Karl Marx, *Capital*, translated from the Third German Edition, by Samuel Moore and Edward Aveling and edited by Frederick Engels (17th ed. 1920, London), pp. 765-766.

<sup>15</sup> Buchez et Roux, *Histoire Parlementaire*, t. x, p. 195, qt. by Marx, *op. cit.*, p. 766.

<sup>16</sup> Cf. *Les associations professionnelles ouvrières*, vol. 1, pp. 14-15; see also chap. 1, pp. 5-89, for a very excellent summary by the official historian of the *Office du Travail* of workers' legislation in France. And pic, *op. cit.*, pp. 817-821.

placed by articles 414-416 of the Code Pénal, which prohibited and punished all kinds of coalitions either of masters or of workmen. Articles 291-294 of the Code Pénal declared illegal all societies or associations of more than twenty persons. And by the law of April 10, 1834, which consolidated these provisions of the Code Pénal, associations of even twenty persons were prohibited if they were branches of a larger association.<sup>17</sup> Also authorization for associations granted by the Government might be cancelled at any moment.

It is necessary briefly to sketch this history of early antagonism between the state and the worker in France, a period in which the state was determined to prevent collective action on the part of the working-men, because it explains to a great extent the bitter struggle between the employers and the workers and aids in the interpretation of the attitude in the early years of the century toward state interference with the combination law.<sup>18</sup> Working class organization had not only to contend with restrictive legislation—for the combination law of France was till 1849 not even nominally equal between men and masters<sup>19</sup>—but with the disadvantage which lack of bargaining power caused.<sup>20</sup> Even in the *Conseils de Prud'Hommes* up until 1848, the official historian of the *Office du Travail* records, the workers were in an inferior position.<sup>21</sup> "It is not astonishing," as a recent survey has pointed out,<sup>22</sup> "that the character of the workers' movement was at its outset somewhat incoherent and sporadic." But it was the changing economic situation, more than the restrictive legal régime, which determined the early workers' societies in their methods of organization. The new forms of workers' organizations were mutual benefit societies, militant associations and trade unions.

From bondage to their own weakness and the antagonistic legislation of the State, the Revolution of 1848 was a means of freedom.

<sup>17</sup> Cf. Levasseur, *op. cit.*, t. I, II, III, vol. I, for a survey of legislation during the Revolution, the Consulate and the Empire and the Restoration.

<sup>18</sup> Cf. *Les associations professionnelles ouvrières*, p. 14, vol. I.

<sup>19</sup> Cf. Dicey, *op. cit.*, p. 469; Appendix, Note 1, pp. 467-476, comparison between the development of combination law in France and in England during the nineteenth century.

<sup>20</sup> Cf. *Les associations professionnelles ouvrières*, vol. 1, chap. II, pp. 90-282, for a thorough treatment of the history of French working class organization down to 1900 from 1791; pp. 280-282, summary.

<sup>21</sup> *Op. cit.*, p. 280.

<sup>22</sup> Cf. *Freedom of Association*, vol. II, p. 93 (1927), Being Series A (Industrial Relations) No. 29, Studies and Reports, of the International Labour Office, Geneva; and Clapham, *op. cit.*, chap. III.



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The importance in the history of the French Labour movement lies not in its positive achievements but in the expression of new ideas and in the organization among the workers of institutions of mutual aid and assistance.<sup>23</sup> The idea of a solidarity of interests and the necessity of organizing for the protection of their claims was a real contribution to the cause of the workers. Interest in the organization of means of co-operation indicated the enthusiasm of the workers, but the lack of financial resources, the inexperience of the workers' organizations and the lack of leadership on the part of the Government, proved too much for the movement to overcome. The disintegration of the workers' associations came from within and without, a fact that was evident after the repressive measures which followed the *coup d'état* of December 2, 1851.

The provisional Government was favourable to the workers, and though the carrying out of the organization of work, *L'Organisation du Travail*, failed, yet the Government which followed had to reckon with and make concessions to the increasing power of the working class. The provisional Government on February 25, 1848, promised to recognize the right to work, *droit du travail*, and the right of free association. "The provisional government," stated the official declaration, "fully recognizes that the workers must combine among themselves in order to enjoy the fruits of their labour." A committee was appointed to make a special study of workers' questions and to bring forward remedies for the solution of the problems of labour. The social legislation of the Republic included the decree of March 2, limiting the working day in Paris to ten hours and in the provinces to eleven; the decree of May 27, that the *Conseils de Prud'Hommes* should include an equal number of the representatives of the employers and employees; and free employment agencies were created replacing the repressed employment bureaux.<sup>24</sup>

The National and Legislative Assembly were not so favourable to the working class. But for the second time in the history of

<sup>23</sup> Cf. Levasseur, *op. cit.*, t. IV, vol. II; also Maxime Leroy, *La coutume ouvrière, Syndicate, Bourses du Travail, Fédérations Professionnelles, Co-operatives, Doctrines et Institutions*, vols. I and II (Paris, 1913). Gabriel Hanotaux, *Contemporary France*, vol. II, p. 699 (translated by J. C. Tarver, London, 1903-9). Cf. Louis, *op. cit.*, pp. 158-160.

<sup>24</sup> Cf. Pic, *op. cit.*, 77-78; Louis, *op. cit.*, pp. 178-185. Cf. *Les associations ouvrières encouragées par le deuxième République* (Décret du 5 Juillet, 1848), (Paris, 1915) vol. IV of studies edited by *Comité des Travaux Historiques, Scientifiques*; see Introduction, pp. 1-13.

French social legislation the principle of state intervention in industry was set forth, in the law of September 3, 1848, succeeding the decree of March 2, declaring the maximum working day in France to be twelve hours. Very many exceptions to this law were authorized by the decrees of May 17, 1751, and January 31, 1866; it was not until the law of February 16, 1883, that the inspectors of labour were charged with carrying out the provisions and reviving the penalties of this law. The law of February 22, 1851, on the conditions of the contract of apprenticeship, was another law that was openly violated because no special authority was charged with carrying out its provisions. The necessity of making legislation effective by strong administration and the supervision of inspectors with enforcing authority had not yet been recognized. It is now and has always been a weakness in the French system of industrial legislation.<sup>25</sup>

The Government of Napoleon III began as a movement of reaction. Very quickly the old restrictive laws against association were in effect; the decree of March 25, 1852, on the employment bureaux, the law of March 1, 1853, on the *Conseils de Prud'Hommes* and the law of June 22, 1854, with reference to working-men's cards (*livrets d'ouvriers*), clearly demonstrated the reactionary purposes of the Government and the influence of the Right. But the Government were forced to consider the rising tide of opposition and to conciliate their opponents by valuable concessions.

The most important economic legislation was the law of May 25,<sup>26</sup> 1864, giving to workers and employers the right of free association. The right to strike was recognized, temporary combinations for the purpose of raising or lowering wages, or, strikes and lockouts, ceased to be punishable. Articles 414 and 415 of the Pénal Code were repealed. This law was official recognition that the legislation of the Revolution, especially the principle of liberty of work, had failed to protect the interests of the worker. Continued opposition from the working class had resulted in the gaining of an advantage for themselves which would be the basis of further attempts to win immunity from restrictive enactments. It was the beginning of the

<sup>25</sup> Cf. Levasseur, *op. cit.*, t. VI, vol. II; Pic, *op. cit.*, pp. 78-79. Cf. René Foignet and Emile Dupont, *Manuel élémentaire de législation* (4th ed. 1921), p. 29.

<sup>26</sup> Dalloz, *Code du Travail*, pp. 113-114; cf. Pic, *op. cit.*, p. 181.

repudiation of the economic system organized by the Revolution, which was finally to be discredited in the passing of legislation founded on the principles of protection for the worker and a safeguard against the dangers of industrial warfare.<sup>27</sup> On the 30th of March, 1868, the Minister of Commerce and Public Works declared that the policy of the Government toward the working men's organizations would be the same as toward the associations of employers. The status of the syndicates remained unchanged from this time on down to the law of 1884, which brought special protection to the professional associations. This law abrogated the law of June 14-27, 1791, and articles 116 of the Pénal Code; article 1 of this law further declared that articles 291-294 of the Penal Code and the law of April 10-18, 1834, were not applicable to the professional syndicates.<sup>28</sup> The law of 1884 permitted the formation without the necessity of obtaining formal Government sanction of trade unions (*syndicats ou associations professionnelles*) consisting of persons following the same or allied occupations, with the object of "the study and defence of economic, industrial, commercial and agricultural interests."<sup>29</sup> The unions might form federations but these did not possess the rights of juristic persons. The law of July 1, 1901—the general law of associations—permitted the formation of associations of any kind without any condition as to homogeneity or membership, subject to their pursuing legal objects and abstaining from trading for profit.

While the first decade of the Second Empire was a period of persecution and antagonism against the organizations of working men, the influence of the Labour movement in the second decade surpassed that achieved by the working class in France at any previous time. During this period the co-operative movement under the inspiration of Louis Blanc became popular with the workers and united them in a common cause. M. Louis believes that Blanc had the same effect by his *L'organisation du travail*, as was produced by Henry George's

<sup>27</sup> Cf. Georges Bry, *Les lois du travail industriel et de la prévoyance sociale: législation ouvrière* (6th ed. Revised by E.-H. Perreau, 1921), pp. 558-560; Foignet and Dupont, *op. cit.*, p. 29.

<sup>28</sup> Dalloz, *Code du Travail*, pp. 118-120.

<sup>29</sup> Article I, Act of 1884.

*Progress and Poverty*.<sup>80</sup> The emphasis of Blanc on the state, of course, was the counterpart of Proudhon's theory. From 1830 there had been the growing spirit among the working people, not definitely separating itself from other Republicans, but seeking to use a democratic republic as an engine for economic change. It is also true that between 1860 and 1870, the attitude of the government was more tolerant. A greater industrial freedom was possible because of the growth of the Friendly Societies, the repeal of the hated clauses in the Pénal Code, the encouragement of co-operative societies, and the international interest in working-class problems. The trade unions of Paris were growing stronger and there was a revolutionary element which constantly showed their opposition to the opportunist activities of the moderates.

The solidarity of the workers, which was the aim of the leaders, was furthered by the progress of secret trade groups, such as the *Sociétés de Résistance*, and in 1864 there was an important outward expression of it in the founding in Paris of the *Internationale*.<sup>81</sup> The ideas of Proudhon dominated for the first few years of its life, the central thesis of which was *mutuellisme* as developed in his *De la Capacité Politique Des Classes Ouvrières*. From this early date an opposition by Blanqui to this tendency in the French Labour movement foreshadowed the long drawn out conflict between the collectivist programme of Marxian Socialism and the revolutionary programme of Blanqui and his followers.

The French Labour movement by 1871, had gained much ground; and to a great extent the tendencies which were later to become more definite and to furnish the controversial fuel for many congresses had formed themselves. The work of organization was the major problem after 1871. The right to strike had been recognized, and there was no longer the struggle to establish the right of free association of working-men. The slow progress of the Labour movement from 1789 had done no more than establish the principles and tendencies which the Third Republic sought to develop and apply.

<sup>80</sup> *Op. cit.*, p. 127. Bryce, *op. cit.*, vol. II, p. 245; Elton, *op. cit.*, chap. VI, pp. 108-131, and Clapham, *op. cit.*, pp. 266-270.

<sup>81</sup> Cf. Louis, *op. cit.*, chap. V, pp. 114-157, "From Blanc to Proudhon"; and pp. 126-127.

## II

## FROM 1871 TO 1896

1. *Political Development of the Social Movement.*

The period from the overthrow of the Commune in 1871 to the year 1878 has been described as "one of the most mournful, most discouraging, of the social struggle in France."<sup>82</sup> The Labour movement which had grown up before 1871 was almost entirely destroyed in its organization, and the continued persecution made the leaders very cautious in rebuilding the old structure. There was the heritage of experience bequeathed to the working-men, but there was no leader either for the political or economic organization of the working-class movement. The leadership of working class thought had passed to Germany; France produced no strictly original thinker for the direction of affairs.

There were a few of the leaders of the old *Internationale* and the independent republican journalist J. Barberet, who "deplored the horrible repression of 1871," and set about the task of building up the labour organizations.<sup>83</sup> The associations of employers were stronger after the war than before, and the general organization, *L'Union Nationale du Commerce et de l'Industrie*, having no workers' association to face, "fixed at will the wages and duration of work."<sup>84</sup> At this time the condition of existence for working-class organization was to abstain from any criticism of the Government and its laws.

The disastrous days of 1871 and the years following showed how necessary it was to build loyalty for the Republic and its institutions. It was essential that everything be done to diminish the struggle of the classes, for the Republic could not withstand the ravages of social warfare. The dangers of class warfare increased in France from the beginning of the nineteenth century because of the very individualism behind the legislation of the Rev-

<sup>82</sup> Paul Louis, *Histoire du parti socialiste en France, 1871-1914* (1922), p. 7.

<sup>83</sup> F. Pelloutier, *Histoire des Bourses du Travail* (1902) p. 35, chap. I, "Après la Commune," pp. 32-49, is useful for the period.

<sup>84</sup> Pelloutier, *op. cit.*, p. 35.

olution, which was not, as in the case of the combination law, "a measure of class warfare, but a corollary from the Declaration of the Rights of Man."<sup>85</sup> Social peace became insistently the condition for the continuance of the Republic.<sup>86</sup> On this necessity the Labour movement of the Third Republic was constituted and on this principle legislation of the Republic was based.<sup>87</sup>

Barberet, who was very prominent in the reconstituting of the syndicates, was convinced that the Second Empire had fallen because of the general strike movement of 1868-70.<sup>88</sup> He held that the strike was a crime of *lèse-démocratie*, and the progress of the working class was menaced by its use and that it was dangerous for the political institutions of the country. The spirit in which Barberet planned for the rebuilding of the Labour movement can be seen in the programme which he outlined for the syndicates. He would have been a good leader in the Liberal trade unionist policies of contemporary England. He conceived the duties of the syndicates to be to watch over the loyal fulfilment of contracts of apprenticeship; to organize employment bureaux; to create boards of conciliation composed of an equal number of delegates from employers and working-men for the peaceful solution of trade disputes; to found libraries and courses in technical education; to utilize their funds not to foment strikes, but to buy raw materials and instruments of labour; and finally, to "crown these various preparatory steps" by the creation of co-operative work-shops "which alone would give groups of working-men the normal access to industry and commerce" and which in time would equalize wealth.<sup>89</sup>

The syndicates were reconstituted under this influence, and in August, 1872, the various syndicates organized the *Cercle de l'Union*

<sup>85</sup> J. L. and Barbara Hammond, *The Town Labourer, 1760-1832*, p. 326; H. A. L. Fisher, *The Republican Tradition in Europe* (1911), chaps. VIII and IX.

<sup>86</sup> Cf. Charles Seignobos, *L'Évolution de la 3<sup>me</sup> République, 1875-1914* (1921), pp. 1-19, vol. VIII, *Histoire de France contemporaine depuis la Révolution jusqu'à la Paix de 1919*, Ernest Lavisse, editor.

<sup>87</sup> Pic, *op. cit.*, p. 79.

<sup>88</sup> Cf. A. Saulière, *La grève générale: de Robert Owen à la doctrine syndicaliste* (1913), for a survey of the early period in France.

<sup>89</sup> Cf. J. Barberet, *Monographies Professionnelles* (1886), vol. I, pp. 20-25, quoted by Louis Levine, *Syndicalism in France* (2nd revised edition, New York, 1914), p. 46.

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*Ouvrière*, as the counter force to the employers' *L'Union Nationale du Commerce et de l'Industrie*.<sup>40</sup> The *Cercle* was dissolved by the Government, although it is said that the leaders carefully avoided the discussion of politics and the policies of M. de Broglie. Its aim was stated to be the "realization of concord and justice through study," and to convince public opinion "of the moderation with which working-men claim their rights." The workers' syndicates by 1875 numbered in Paris 135, liable to the articles 291-294 of the Penal Code, the law of April 10, 1834, and the decrees of March 23 and of April 2, 1852.

The strength of the Labour movement at this time, however, was represented by the increase of the professional syndicates, in the agitation for labour representation in the Chamber, in the co-operative movement, in the workers' congresses and in the working-men's delegations from the syndicates attending the various international expositions.<sup>41</sup> The sending of the French delegates to the Philadelphia Exposition in 1876 suggested to certain leaders of the Labour movement that it would be a good thing to hold a workers' congress in Paris after the return of the delegates, to "discuss the bases of a common Socialist programme," and that such a congress would have "considerable influence on the economic emancipation of all the French proletariat."<sup>42</sup> The proposition was taken up by the workers and on October 2, 1876 at the Ecoles, rue d'Arras, the first French Labour Congress was organized.<sup>43</sup>

The Committee which had in charge the programme of the Congress submitted eight subjects, and it is interesting to note what the French Labour Congress considered the important questions for workers: (1) the work of women; (2) syndicates; (3) Councils of Prud'Hommes; (4) apprenticeship and technical education; (5) direct representation of the working class in Parliament; (6) co-operative associations; (7) old age pensions; (8) agricultural

<sup>40</sup> J. Barberet, *La bataille des intérêts*, p. 301, qt. by Pelloutier, *op. cit.*, p. 35.

<sup>41</sup> The indispensable history of the French Labour movement with the documentary story of working class organizations is in the four official volumes of the *Office du Travail*, *Les associations professionnelles ouvrières*, vol. I, 1899, vol. II, 1901, vol. III, 1903, vol. IV, 1904. See Paul Louis, *Histoire du mouvement syndical en France, 1789-1910* (2nd ed. 1911), chap. VIII, pp. 132-154, for period from Commune to the law of 1884.

<sup>42</sup> Pelloutier, *op. cit.*, p. 37, qt. *Le Journal*, June 19, 1876.

<sup>43</sup> Cf. *Les associations professionnelles ouvrières*, vol. I, pp. 239-242.

associations and the advantage of relations between the agricultural and the industrial workers.<sup>44</sup> This list may be compared with the programme of the Trade Union Congress in 1868.

The Congress was conservative, largely under the influence of Barberet, and the majority of the 360 delegates, 255 from Paris and 105 from the provincial towns, were *co-opérateurs* and *mutuellistes*. The collectivists were also represented, not hesitating to put forward their theories and making a very lively protest against the presence of Barberet at the Congress. But the conservative tendency was clearly given expression in the official condemnation from the organization committee of leaders like Varlin, César de Paëpe, Emile Aubry and Albert Richard, who had been active in the work of the Internationale and in the propagation of its doctrines.

The first congress of the French Labour movement was not unlike the congresses of the first years of this century, especially the one at Paris in 1899 and that at Tours in 1902, when the question of method and tactics and the fundamental divergencies in doctrine among Guesdists, Allemanists and Blanquists, made the annual meetings great debating arenas. The evolution of syndical conceptions was dominated during the period from 1871 to 1864 by the debates of the first workers' congresses, and the penetration of the new doctrines (collectivism and communism) coincided with a marked transformation in the programme of the professional groups.<sup>45</sup> Emphasis upon syndical action was the chief contribution of the Allemanists who countered the effort of Jules Guesde with a more pronounced political programme.<sup>46</sup> The influence of the first is recorded in the programmes of the working-men's organizations at the Paris Exposition of 1880, indicating the progress of ideas and the expansion of the workers' industrial horizon, while the political expression was given in the *La Petite République* in 1891 in a published programme of reforms common to the parties of the Left, signed by Goblet, Peytral, Millerand, Lockroy, and Jaurès. This programme

<sup>44</sup> Cf. *Séances des Congrès ouvriers de France*, 1876, Paris, 1877. Cf. Louis, *op. cit.*, p. 137, and his *Histoire du Socialisme Français*, p. 286; and Pelloutier, *op. cit.*, p. 38.

<sup>45</sup> Louis, *Histoire du mouvement syndicaliste en France*, 1789-1910, pp. 136-137.

<sup>46</sup> Cf. Victor Griffuelhes, *L'Action Syndicaliste* (1908), pp. 4-5; yet at the first Congress of the Allemanists in 1892 the legislative programme adopted contained twelve distinct economic reforms sought; see this programme in *Les Allemanistes*, Maurice Charnay (1912), pp. 104-107.



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included measures for the protection of women and children and adults by the legal limitation of the working day; arbitration of disputes; old-age pensions; protection of working conditions with reference to health; a more comprehensive law on accidents; and a law making it obligatory for the employer to recognize workers' associations.<sup>47</sup>

The second Labour Congress held in Lyons, January 28 to February 8, 1878, was in all important respects of the same character as the Paris Congress.<sup>48</sup> But the Congress of Marseilles in October, 1879, marked the victory of Socialism, of collectivism, and the end of the "Barberetists."<sup>49</sup> In 1877, Guesde began the publication of *Egalité*, and from that time exerted an influence of effective leadership on the French Socialist movement, Guesdism being considered by some as the perfect form of political Socialism.<sup>50</sup> At the 1879 Congress the *Parti Ouvrier Français* was formed, and the political and economic programme of the Labour movement was elaborated. The political programme was based largely on the example of the German Labour movement, for both Jules Guesde and Paul Lafargue were influenced by Karl Marx and Engels.<sup>51</sup> The lack of originality and independence in adapting the workers' political movement to the actual needs of France and in accordance with French temperament was shown at the very beginning.

The programme for the conquest of political power included the abolition of all laws infringing on the freedom of the press, of coalitions and associations; the repeal of the law on working-men's cards; the refusal of the budget on the Church, the public debt and armaments; and in the sphere of local government the commune master of its administration and police. The economic and the political programmes were, of course, based on the collectivist theory of the state and the economic organization of society. The preamble was:

<sup>47</sup> Cf. Scelle, *Le droit ouvrier* (1922), p. 35; Charles Gide, *Les institutions de progrès social* (5<sup>e</sup> ed. 1921), pp. 3, 13-17.

<sup>48</sup> Cf. *Les associations professionnelles ouvrières*, vol. I, pp. 242-244.

<sup>49</sup> *Op. cit.*, pp. 244-248.

<sup>50</sup> Cf. Edouard Berth, *Les derniers aspects du socialisme* (1923), Revised Edition of *Les nouveaux aspects du socialisme* (1908, p. 43; *ibid.*, pp. 8-9.

<sup>51</sup> *Le Programme du Parti Ouvrier, Ses Considérants, Ses Articles*, by Guesde & Lafargue, was published in June, 1880, in *Revue Socialiste, Egalité* and in *Prolétaire*. The regional congress of the *Parti Ouvrier Français* in Paris, July, 1880, adopted it, and in November at Havre the National congress. It was amended at the congress of Roanne, after the split at Saint-Étienne.

"Considering that the emancipation of the producing class is that of all human beings, without distinction of race or sex, that the producer will not be free until he has possession of the means of production . . . the French workers having for their end the political and economic expropriation of the capitalist class and the return to a collectivism of all the means of production, have decided, as the method of organization and struggle, to enter into the elections, with the following immediate programme.<sup>52</sup> This included the reduction of the hours of work; a weekly rest day; the fixation of a minimum wage; the forbidding payment by employers of foreign workmen of a lower wage than to the French workers; scientific and professional training for all children by the State; the abolition of all indirect taxation and a progressive income tax on all revenue, constituted the economic demands.

This Congress marked the rebirth of the French Labour movement, but the unity which Guesde aimed for in the ranks of the working class was broken in 1882, when at the Congress of Saint-Étienne a majority of the *Parti Ouvrier Français* resigned. Under the leadership of Paul Brousse the *Fédération des Travailleurs Socialistes*<sup>53</sup> was formed, which in 1890 was divided by a minority under Allemane forming a new party, the *Parti Ouvrier Socialiste Révolutionnaire*.<sup>54</sup> There was yet the *Parti Socialiste Révolutionnaire*, sometimes called the *Comité Révolutionnaire Central*,<sup>55</sup> a revolutionary anarchist group under the direction of Vaillant.

But the most influential and the most brilliant of the Socialist groups at the beginning of the century was the Independent or Reform Socialists, who did not constitute a distinct class party.<sup>56</sup> It was not until 1899 when the *Comité d'Entente* was organized that the Independents became a national group, forming the *Confédération des Socialistes Indépendants*.<sup>57</sup> The beginning of this group was

<sup>52</sup> Cf. Paul Louis, *Histoire du parti socialiste en France, 1871-1914*, pp. 13-14.

<sup>53</sup> The history of the French Socialist groups has been written under the editorial direction of Alexandre Zévaès, of which *Les Possibilistes*, Sylvain Humbert (Paris, 1911), is one; cf. *Le Socialisme en France depuis 1871*, A. Zévaès (1908), for a general friendly survey.

<sup>54</sup> Cf. Maurice Charnay, *Les Allemanistes* (1912).

<sup>55</sup> Cf. Charles Da Costa, *Les Blanquistes* (1912).

<sup>56</sup> Cf. A. Orrey, *Les Socialistes Indépendants* (1912).

<sup>57</sup> The *Confédération* divided into the *Fédération des Indépendants* and the *Fédération des Révolutionnaires Indépendants*.

in the "Society for Social Economy" which was founded in 1885 by Benoît Malon, who was once a member of the *Internationale*. The monthly journal of this society was *La Revue Socialiste*, in which the theory of French Socialism was fully debated and written about, under the successive editorship of Malon, George Renard, Rouanet and Fournière. *Le Socialisme Intégral*,<sup>58</sup>—thanks to which book, wrote Eugene Fournière, "Socialism is no longer a dry economic doctrine based on necessity, it is the normal expansion of humanity going on toward the justice of the future"<sup>59</sup>—was first printed in *La Revue Socialiste*. In 1893, *La Petite République* was founded, becoming the leading organ of the Independents. Among the most prominent of this group of eclectics were Jaurès, Millerand, Viviani and the editors of the *Revue Socialiste*. Toward the electorate and parliamentarism they held that the first duty of Socialism was to bring about constitutional stability.<sup>60</sup> The development of this doctrine was given its classic exposition by M. Millerand at the Banquet of Saint-Mandé, where the chief tenets of the Independents were set forth: the gradual nationalization of public service, protective laws for labour, evolutionary and parliamentary progress toward the collectivist ideal.

The history of the French socialist parties before 1900 here briefly set forth is necessary for an understanding of the slow growth of the French syndicates. There was a close connection between the syndicates and the stormy struggles of the group of parties fighting for the control of the French Labour movement. The syndicates—the basis for creating a strong Labour movement—were a battleground for the Socialist parties; they would have had a difficult time at best in maintaining a strong industrial movement, but with the conflicts of the political leaders at all times to divide them, there was no basis for a united movement. The Socialist parties themselves did not find France accepting their leadership. "With her endless array of small holdings," says a writer, "her little work-shops, and her thrifty

<sup>58</sup> B. Malon, *op. cit.*, vol. I (1890), vol. II (1894), Cf. Maurice Bourgin, *Les systèmes socialistes et l'évolution économique* (1904), pp. 91-94, for a criticism of Malon's Socialist theory. Cf. A. Fouillée, *La démocratie politique et sociale en France* (2nd ed. 1910).

<sup>59</sup> *La Revue Socialiste*, September 15, 1890; Appendix I. *Le Socialisme Intégral*, vol. I, pp. 405-418, for this review and other interesting reviews of the Socialist movement of the period. M. Fournière dedicated to Malon his *Les théories socialistes au XIX<sup>e</sup> siècle* (1904).

<sup>60</sup> B. Malon, *op. cit.*, vol. I, pp. 377-381.

peasantry and *bourgeoisie*, France was a difficult field for the pure socialist to till."<sup>61</sup> So she became the home of compromise parties—radical socialists, liberal socialists, and the like. This political chaos helps to explain the handicap of the French syndicates. The French syndicates at no time attained the importance in their nation of the British trade unions after allowance is made for the differences in working population. The British trade unions in the early nineties, 1892–1895, numbered yearly over 1,500,000 members. At the same time in France, the year 1895, the total membership in all industrial associations, including employers, workers, mixed (employers and workers), and agricultural was only 474,433. This same combined group had in 1914, a membership of 2,510,283, which had increased by 1925 to a membership of 3,597,272. But this was not equal to the trade union membership alone in Great Britain at that time. The comparison of these figures with the powerful trade union organizations of England indicates the comparative weakness of the industrial associations in France before 1900. The growth in membership and the increased efficiency of internal organization, combined with the continued efforts of federation, cannot be favourably contrasted with the British industrial movement. But progress has been continuous since 1900. There were in 1884 only 68 workers' syndicates, officially reported, and by this same test in 1905, there were 4,857, with a membership of 836,134. In January, 1925, there were 7,072 workers' syndicates with a membership of 1,846,047. This includes the whole of the organized French Labour movement of whatever shade of opinion; this is made plain by the fact that the International Federation of Trade Unions of Amsterdam published the membership of the *Confédération Générale du Travail* in 1926 as 553,770. The employers associations in 1925 numbered 6,596, representing a membership of 496,360; in 1884 there were 101 associations, and in 1890 their membership was only 93,411.

Such facts as are given above indicate the slow development of the French Labour movement and account for the fact that its influence has not been more directly felt in the life of the nation. Reflecting upon the progress of his own country and Germany and Denmark, Professor Clapham could declare that there was probably less "practical socialism" in the France of 1914, "less socialist

<sup>61</sup> Clapham, *op. cit.*, pp. 272–273.

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achievement in the broadest sense, than in any other country of Western Europe."

### 2. *Industrial Legislation and the Social Movement.*

The political development of the Labour movement in France had been, until 1896, largely an effort to apply the doctrines of collectivism to the industrial problems of the nation. There had been no distinctly original approach to the peculiar conditions of French life nor had there been any solution brought forward with especial reference to the needs of France's working class and her expending commercial activities. But the political movement had popularized the tenets of Socialism, the principles of which have always had a wider acceptance in France than any party which directly represented their application. It can be said with much truth that in France Socialism is a principle rather than a party;<sup>62</sup> of which fact the legislation of the Third Republic is ample proof.

One of the first laws which expressed the new social movement after the establishment of the Third Republic, that of May 19, 1874, on the work of women and children, marks for the first time in French industrial legislation the adequate organization of inspection to insure the application of a law. This fact is clearly illustrated in the French law of March 22, 1841,<sup>63</sup> which corresponds to the English Act of 1802 dealing with children and their work in cotton mills and factories. Both of these Acts were protests against cruelty, and the State interfered through legislation to protect a class of workers. Yet the good effect of the lawmaker produced practically no effect because of the absence of any serious administrative control.<sup>64</sup> The enforcement of the Act of 1802 was in the hands of inspectors or visitors who were appointed by the justices of the peace, while the Act of 1841 was useless for there was an absence of any penal sanction. Even though there was the failure to provide administrative enforcement in both France and England the Acts were the basis of legislation of a later date. The authors of the French law hoped that the new rules would have the effect of reducing indirectly the hours of labour for all workers; it did become the basis of the

<sup>62</sup> Cf. Thomas Kirkup, *History of Socialism*, 5th ed. revised and largely rewritten by Edward R. Pease (1913), p. 329.

<sup>63</sup> Cf. Charles Gide, *op. cit.*, pp. 197-198.

<sup>64</sup> Cf. Pic, p. 79.

law of September 9, 1848, maintaining the principle of the legal limitation of the hours of work for all the workers; and the law of May 19, 1874, further extended the principle by raising the age limit for children to twelve.<sup>65</sup> Perhaps the most important fact about the law of 1874 was that the *Commission Supérieure du Travail* was created to see that the provisions of the law were carried out. The reorganization of this Commission was a part of the law of November 2, 1892, on the work of women and children. But the value of the law of 1874 was lessened by the decrees of March 27, 1875, and March 7, 1877, which allowed children of ten years of age to work half a day (six hours) in 14 industries. The delay in administration and the virtual destruction of a law by special permissive decree have been a common thing in France, and in all industrial legislation, but no such prolonged experience of this kind has impeded the progress of legislation and administration in England.

The law of May 19, 1874, commences uninterrupted parliamentary activity in development of protective legislation for the workers, and is the real beginning of French Labour legislation.<sup>66</sup> By 1890 the majority in Parliament were definitely interventionists.<sup>67</sup> The necessity was clearly established for the state, considered as the supreme organ of the law, to intervene to fix the just limits of industrial necessities. From this period an increasing number of laws favourable to the working class were put on the statute books; and the effective organization of industry became a major concern of law makers.

In 1881 the liberty of association was won, being more fully interpreted for the professional syndicates in the law of 1884, which legalized all professional associations having for their object the promotion and the protection of the interest of any profession or trade.<sup>68</sup> All earlier laws restricting freedom of action were repealed, including articles 291, 294, and 416 of the Penal Code. This law was the most important of the Third Republic down to 1900. The

<sup>65</sup> Cf. Raoul Jay, *La protection légale des travailleurs* (2nd ed. 1910), pp. 108-110.

<sup>66</sup> Pic, *op. cit.*, p. 79; Foignet and Dupont, *op. cit.*, p. 30.

<sup>67</sup> George Scelle, *op. cit.*, p. 34. Cf. M. Berthiot, *Cours de législation du travail et motions de législation ouvrière et industrielle*, vol. I, *Lois appliquées par les inspecteurs du travail* (2nd ed. 1921), p. 6; and Dicey, *op. cit.*, p. ix, Preface to the First Edition.

<sup>68</sup> Act of March 21, 1884, art. 3.

likeness between the combination law of France since 1884 and the combination law of England since 1875 has been often suggested. Professor Dicey early in the century pointed out that the law was intended to allow to employers and employed as unlimited a right of combination as is compatible with the respect due to the freedom of individuals, whether masters or workmen. In each country strikes and lockouts are lawful; in each country a trade union is a lawful society; in neither country does a trade union need for its legal existence the sanction of the Government. In each country masters and workmen stand, as regards their right to combine, on a complete equality; in each country the law allows combinations for the purpose of regulating the terms of the labour contract. The conclusion naturally followed "that the combination law of France and the combination law of England not only bear a great similarity to one another, but have at last reached exactly the same goal."<sup>69</sup>

These laws are not only very important in themselves but they indicate the development of the industrial life of the nations and the attitude that the State took toward the organizations which primarily were concerned with the economic interest of the worker. Within the State these bodies came to have large influence upon the political movement, which increasingly had to take note of the position of the wage earner. M. Waldeck-Rousseau in his circular addressed to the Prefects on August 25, 1884, defined the new spirit of the times. The Act was interpreted in the following terms: "In removing all barriers to the industrial association's right to combine the Act of March 21, 1884 has, in the same spirit of freedom, abolished all preliminary authorization, all arbitrary prohibitions, all special formalities. . . . It is possible to conceive a different system, namely, a Government which believes itself wiser than the people itself. This, however, is a tyrannical conception in the scientific meaning of the word. Such a conception does not imagine or attempt to make any concessions to labour. In former times it expressed itself by the corporations. Such a system regulates everything, the number of corporations, the number of artisans, journeymen, apprentices, production, manufacture, and processes of manufacture. But such a system is cast all in one mould, everything holds together, but once

<sup>69</sup> Dicey, *op. cit.*, p. 472. A recent study of interest is that of A. A. Al-Sanhoury, *Les Restrictions Contractuelles à la Liberté de Travail dans la Jurisprudence Anglaise* (Paris, 1925).

a breach is made the whole edifice collapses, and tyranny becomes helpless and disorganized. We have chosen the way of freedom. Let us have confidence in our choice." This liberal régime, which the act of 1884 illustrates, laid the foundation for the future, and this will be seen in the legal status of the organizations as broadened by the Acts of 1901 and 1920.

From this time, 1884, the emphasis on social problems became marked, and deputies of all parties asked that two sittings of the week be given exclusively to the consideration of social legislation.<sup>70</sup> The scope of social legislation has gradually been extended until the danger of perilous class legislation getting on the statute book has largely disappeared. A rapid survey of legislation in France and England since 1880 reveals the fact that nearly all phases of the working life of the people have been considered. During 1880-1890 in France, laws were passed which directly affected the agricultural development of the country; the inspection of working conditions; the protection of rural workers and children; and the development of councils in the agricultural and mining occupations was the purpose of several enactments.

It is true that the wider scope of workers' legislation and progressive extension into the field of industry as a whole has been slowly realized in France, compared with Germany or with England; but there was progress between 1890-1900, and in this century this ideal has been important in all agitation for an extension of labour legislation and the perfecting of administration of existing law. Germany was the first nation fully to grasp the fact that the problem of the wage earner and his protection was a nation-wide one; that the worker on the farm, in the home and in the store should have the same adequate protection and benefit as the more hazardous employments of the mine and of manufacturing. It has often been a very healthy indication of the value of protection for any class of worker, that very soon class benefits are extended to larger and more inclusive groups. Class legislation it is, but its social and economic consequences are of the highest importance for the general interests of the community and industry.

This fact is interpreted in France in the law of December 27, 1892, on conciliation and arbitration between employer and employee; of January 12, 1895, on the attachment of the wages of

<sup>70</sup> Cf. Scelle, *op. cit.*, pp. 34-35.



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workers; of the laws of November 2, 1892, and March 30, 1900, bringing special protection for women and children. The health and security of the workers were increased by the laws of June 12, 1893, June 29, 1894, for the miners, and May 24, 1899, on accident insurance; and by the law of January 30, 1899, rural workers came under the protective provisions of the law of April 9, 1898, on accidents to workmen.

The last years of the nineteenth century witnessed the rapid expansion of the part that administration was to have in meeting the problems of industrial organization. The use by Governments of special decrees and the necessarily increased power given to institutions of administration and agencies of control and inspection, indicate the magnitude of the undertaking which the State had begun with hardly any forethought and very little appreciation of what the consequences were to be. Chief among the official signs of this movement in France were the laws of January 22, 1891, constituting the *Conseil Supérieur du Travail*; of July 21, 1891, instituting the *Office du Travail*, the functions of which were set forth in the decrees of August 19-21, 1891, and February 4-5, 1892;<sup>71</sup> and the law of December 7, 1895, on the administrative control of the *Bourse du Travail de Paris*. The further extension of earlier legislation to meet new demands of industrial growth is seen in the law of December 27, 1892, on the *Conseils de Conciliation et d'Arbitrage*, and by the decree of July 3, 1894, a *Commission Consultative Permanente*, composed of twenty-five members was created to make more effective the work of the *Conseil Supérieur du Commerce et de l'Industrie*. On the one hand there was the increase of laws dealing with the control of industry, which made it necessary to unify the administration of such legislation, in the application to establishments and trades, and at the same time it was imperative that principles of administration be clearly worked out by bodies which were competent to deal with the many-sided problems of modern industry. It was necessary that the state should have the best means of knowing the direction in which expansion of the ordinary economic life of the nation was leading. The passing of specific laws was only one method of State intervention; it was useless unless there was a definite aim toward the realization of which the state had brought all its powers.

<sup>71</sup> Cf. Bry, *op. cit.*, pp. 698-699; Pic, *op. cit.*, pp. 113-117.

It thus came about that in France, outside the departmental councils, and committees, special commissions were appointed to consider industrial legislation and administration. It is necessary to mention here only those established between 1890-1900; the *Comité Consultatif des Chemins de Fer*;<sup>72</sup> the *Commission Consultative des Caisses Syndicales et Patronales de Retraits, de Secours et de Prévoyance*;<sup>73</sup> the *Conseil Supérieur des Habitations à Bon Marché*;<sup>74</sup> the *Conseil Supérieur des Caisses d'Épargne*;<sup>75</sup> the *Conseil des Sociétés de Secours Mutuels*;<sup>76</sup> and the *Commission Consultative d'Hygiène Industrielle*.<sup>77</sup> By such bodies of consultation and inquiry the state sought to bring together the common experience of the industrial world to guide its own industrial legislation. The transformation of the state into an active partner, in the development of social and economic institutions, with the aid of the two ancient enemies, capital and labour, made necessary the services of the consultative and extra-departmental commissions. Parliament tried to bring the democratic method into actual use through this means, and its use is even now one of the great experiments of the community trying to find a way out of its industrial discords and social maladjustments. The effort of the state in the beginning of this century is especially worth noting in France, where the attempt was part of a general programme of social legislation. In England it has an older and more successful history, but the lessons which it has taught have been much the same.

The history of the French syndicalist movement and the French Socialist parties bears out the same general interpretation that has been traced in the English movement. It must be understood of course, that any generalizations are only approximately true, and that in the movements of France and England there are at every period differences and divergences. The French public, it appears, were for a long time much more interested in the trade unionism of England than in their own syndicalist organization.<sup>78</sup> The former

<sup>72</sup> Decree of September 18, 1893.

<sup>73</sup> Law of December 27, 1895, and decree of January 10, 1896.

<sup>74</sup> Law of November 30, 1894.

<sup>75</sup> Law of July 30, 1895.

<sup>76</sup> Law of April 1, 1898.

<sup>77</sup> Decree of December 11, 1900.

<sup>78</sup> Cf. Paul Louis, *Histoire du mouvement syndicaliste en France, 1789-1910* (Paris, 2nd ed. 1911), p. vi. Preface to 1901 edition; compare the two Prefaces; note the 1867 Preface of M. E. Levasseur to his *Histoire des classes ouvrières*

was more attractive to the French historian than the latter, naturally so for the student of history delights in the slow, continuous full development of an institution. The historian of the French syndicalist movement is amused, perhaps rightfully so, that the French publicists for so long a time studied the English Trade Union movement that they might find lessons in it with which to instruct their own workers.<sup>79</sup> They assumed the success of the English method as an argument for their side in the fight against State Socialism.<sup>80</sup> M. Louis convicts these writers of gross ignorance, for failing to see that each period of English Trade Union history was a decided advance in the direction of the principle of direct action, either through the method of the strike or through parliamentary representation.<sup>81</sup> They could not understand what the German critic believed he understood; that "the English working-man cares nothing for 'principles'; he is too much of an 'inconsistent opportunist.' He likes to be left in peace, he likes to eat his apple pie undisturbed. But if anything should happen to rob him of his peace, he is quite ready to adopt any means, even that of political warfare, that are likely to give him back his peace and his apple pie."<sup>82</sup>

An even later critic has emphasized the historical mission of the working-man in bringing in Socialism, believing that his place in the history of ideas in England has been unappreciated by his own historian, Mr. Sidney Webb.<sup>83</sup> At any rate in England the working-man has kept a closer march on the political movement than in any other country, and the structure of his economic organization reveals far fuller appropriation of the benefits of democratic institu-

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*et de l'industrie en France 1789 à 1870*, compared with the Preface to the second edition, 1903-1904. The first preface is found in vol. I (1903), pp. vii-xix. The same author's Preface to *Questions ouvrières en France sous la troisième République* (Paris, 1907), pp. v-xvii, offers an opportunity for a comparative view over a good number of years.

<sup>79</sup> An interesting letter from M. Le Comte de Paris to Mr. A. J. Mundella, is in the Barnett House Library (Oxford), in volume cited above.

<sup>80</sup> Cf. M. G. De Molinari, *Le mouvement socialiste et les réunions publiques avant la révolution du 4 Septembre 1870* (Paris, 1872), Part III, pp. 131-172, "Trade Unions in England," being articles reprinted from the *Journal des Débats*, July 27 and August 5, 9 and 13, 1869, explaining "why socialism makes no progress in England." See same author's article "1899," in the *Journal des Economistes*, January 15, 1900, bringing his strictures up to date.

<sup>81</sup> Cf. Louis, *op. cit.*, Preface to 1901 edition.

<sup>82</sup> Werner Sombart, *Sozialismus und soziale Bewegung* (Jena, 1908, 9th ed. 1920), p. 244.

<sup>83</sup> Beer, *op. cit.*, vol. II, pp. 277-284.

tions. No doctrine of the dictatorship of the "conscious minority" has ever had any appreciable influence in the history of trade union<sup>84</sup> theory, and this is the backbone of the revolutionary syndicalist philosophy in France. This is one of the most interpretative points of difference between the two Labour movements, which is likely to obtain for some time. However blind the publicists of the French nation were, it is evident that the leaders of the French Labour movement were not far wrong on the progress of Trade Unions in England. In the famous debate from June 11-27, 1896, in the Chamber of Deputies, on the limitation of the hours of work, MM. Guesde and Vaillant used effectively the example of England for a defence of their argument.<sup>84</sup> At the International Congress for the Legal Protection of Workers, 1900, held at the Musée Social, the example of the administration and effective enforcement of the laws relating to women and children in England was cited as proof that such laws were practicable.<sup>85</sup> It is also clear from the Amsterdam Congress of 1904, that the parliamentary struggles in France, as they centred about Millerand and Jaurès, were exciting a lively interest from the leaders of the Labour movement in England, who believed that the Labour and Socialist movements in the two countries had been too long isolated.<sup>86</sup> This belief was strengthened by the fact that the two leaders, M. Jaurès and Mr. J. Ramsay MacDonald, were strangely alike in their philosophy and in their method, the former exercising an influence upon the latter, acknowledged after his death in the tribute that M. Jaurès "was the greatest democratic personal force in Europe—even in the world." The influence of English governmental policy in the formulation of the measures of M. Millerand is clearly seen, being often acknowledged in official reports. At that time the parliamentary successes of the Labour movement were forcing the French and English working class leaders to consider "Socialist methods under Parliamentary Govern-

<sup>84</sup> Cf. Paul Jacquier, *La limitation légale de la journée de travail en France* (1902), pp. 58-64.

<sup>85</sup> Cf. Rapport Barthou, *Compte Rendu du Congrès pour la Protection Légale des Travailleurs* (1900), M. Raoul Jay, one of the most active supporters of the protective laws and the development of administration, was fully informed on the progress of the laws of England; see his *La protection légale des travailleurs* (2nd ed. 1910). The authority of MM. Pic and Bry is often quoted in this present study.

<sup>86</sup> Margaret Pease, *Jean Jaurès*, Introduction by J. Ramsay MacDonald (1916), p. 12.

ment." It was significant that the English leader did not look to Germany. "Owing to the fact that the Reichstag is not the Parliament of a democratically governed people, the parliamentary successes of Socialism have not forced it to adapt itself to the parliamentary method of organic change." He studied the tactics of M. Jaurès and the French Socialists.

It is natural that the political movements of France and England during the nineteenth century should have points in common, and that the progress of democratic ideas in each nation should at various times react with directness upon each people, both seeking to use a democratic State as an engine for economic change. In each nation, the slow, methodical and uninterrupted development of economic forces was making for a new society.<sup>87</sup> It cannot be said that 1830 was the beginning of modern democratic government in France, as Dicey takes 1832 for England,<sup>88</sup> and Bryce 1867 and 1884-5,<sup>89</sup> but it did mark a definite break of French social philosophy with the Revolution of 1789;<sup>90</sup> "the period of the bourgeois struggle ended, the period of the proletariat struggle began."<sup>91</sup> The days of 1831 revealed the strength in the workers' ranks, and, although the demands of the Republican party in 1831 were limited, their demands and the march of democratic ideas widened as their power became more manifest. What the Revolution of 1789 had not conceived and had not made possible, became increasingly more real from the Revolution of 1830, the June of 1848, and the March of 1871. Out of 1830 came "the idea of society," of that society being controlled for the highest good of all, and the creation of "a new society founded on the transformation of property."<sup>92</sup>

Under the superficial calm of the Orléanist régime the most exceptionally creative period of revolution was going on, which brought in the Second Republic and made its first few weeks most spectacular. Through all economic change and expansion the idea of society was gaining a hold on the imagination of the nation, and in spite of an unfriendly political system was making headway.

<sup>87</sup> Cf. Louis, *Histoire du socialisme français*, pp. 51-52; Clapham, *op. cit.*, 270-277.

<sup>88</sup> *Op. cit.*, p. 128.

<sup>89</sup> *Op. cit.*, p. 351.

<sup>90</sup> *Op. cit.*, p. 92; see also Elton, *op. cit.*, chap. 6, pp. 108-131.

<sup>91</sup> Louis, *op. cit.*, p. 83.

<sup>92</sup> Louis, *op. cit.*, pp. 106-111.

This is seen in a striking way by contrasting the beginning of the nineteenth century in France and England with the opening of the new century, taking in point the Combination Act of 1800, which represented the public opinion of that time in England, and the Code Napoleon of 1804, which embodied the ideas of French revolutionists or reformers, and was "as strongly opposed to trade combinations, whether among employers or workmen, as the Combination Act, 1800."<sup>98</sup> M. Louis believes that the definition of the Webbs' of a Trade Union,<sup>94</sup>—a continuous association of wage-earners for the purpose of maintaining or improving the conditions of their working lives—would apply to the early professional societies of France, but at the beginning of this century would not apply to the form of syndicalism which demands the "destruction of the capitalist régime."<sup>95</sup> This change is indicated in the definition of trade unionism as "an organized working class movement for defence and aggression against the dominant capitalist system."

At the beginning of the nineteenth century workers' action was timid and cautious, while at the beginning of the twentieth century it aspired to construct a new world on the *débris* of the old.<sup>96</sup>

It was in this spirit that M. Augagneur, in opening the Lyons Congress in 1901, said: "You will allow me to remind you that we are at the dawn of the twentieth century, that we think the twentieth century will be the century of Socialism, that we hope before the half of that century is past the Socialist movement will have attained such power, that it will be so strong, that it will have brought us near to the ideal of justice and well-being which we all desire."<sup>97</sup> The century which was ended had been largely in France a record of political development toward Republicanism. Under the Second Republic the democratic movement had little time to express itself in a constitutional way, and through the Second Empire the forces of reaction proved too strong. But in 1876, after the adoption of the Constitution of 1875, "the moment had come when the French people

<sup>98</sup> Dicey, *op. cit.*, p. 102; also Pic, *op. cit.*, pp. 74-75.

<sup>94</sup> Webbs' *Trade Unionism*, p. 1; see definition by G. D. H. Cole, *Organized Labour* (1924), p. 1.

<sup>95</sup> Louis, *Histoire du mouvement syndicaliste en France*, pp. 1-2.

<sup>96</sup> *Ibid.*, p. 17.

<sup>97</sup> Cf. *Compte Rendu Troisième Congrès Général des Organisations Socialistes Français*, 1901, p. 4.

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might, peacefully and according to Constitutional regulations, make its will known."<sup>98</sup> Yet this Constitution was held "so defective that there will be no political peace or true Socialist progress in France until there is a serious and sincere democratic revision which will clear the horizon."<sup>99</sup> Thus, the problems which faced the leaders in the organization of the new régime proved almost too much for the French nation. But the time had come when the Republican forces seemed to be able to unite for long enough to give the democratic spirit of the nation an opportunity to express itself. The year 1871 had been the dividing line very definitely for the Labour movement.<sup>100</sup> When it was reconstituted there was "the return of the revolutionary tradition established in 1830,"<sup>101</sup> and, "in spite of the penetration of the social philosophies from across the Rhine the respect for traditional idealism."<sup>102</sup>

The Commune had been a bitter lesson to the French working class, but it taught the most valuable lesson that the political upheavals had yet given the leaders. From that time to the *Cas Millerand* the period was crowded with efforts toward organization, diffusion of ideas, internal development of the political programme of Socialism, and the working out of the differences in theory and method in the Labour movement. The continual conflict between the partisans of Syndicalism, adherents of Proudhon, and the Collectivists, dominated by the dogma of the complete transformation of the State, went on speedily from the Congress of 1879, forming the two intellectual currents which have divided the workers' world in France down to the present time.<sup>108</sup> The same characteristics which were evident in 1882, were especially in prominence between 1899-1901, and 1906-1910.

The first early warning to both the political and economic Labour movement in France after the Commune was given by Marx and Engels, who saw that one thing especially was proved by the Commune, viz., that the working class cannot simply lay hold of the

<sup>98</sup> Cf. G. Hanotaux, *op. cit.*, vol. III, p. 420.

<sup>99</sup> Cf. Malon, *Le Socialisme Intégral*, pp. 381-382; see chap. VIII. "The Evolution of the State and of Socialism," pp. 357-404, for a general survey from the best early study. For a list of 26 Constitutions, p. 381. Cf. Charles Seignobos, *L'Evolution de la 3me République*, pp. 1-19.

<sup>100</sup> See Sombart, *op. cit.*, p. 157.

<sup>101</sup> Seignobos, *op. cit.*, pp. 48-50.

<sup>102</sup> Louis, *Histoire du socialisme français*, p. 298.

<sup>108</sup> Cf. Louis, *op. cit.*, pp. 270-273, 284-285.

ready-made State machinery, and wield it for its own purposes.<sup>104</sup> An acceptance of this fact accounts for the Broussistes and Guesdistes (after the Congress of 1882) defending equally the struggle of the classes and the emancipation of the workers by the workers themselves.<sup>105</sup> But from the early crudity of the political Marxism they accepted to the Socialist position as stated in the Saint-Mandé Programme there is an interesting evolution of theory and practise. It is a study of reaction to actual necessities of industrial organization and the acceptance of the State as an expression of the growing idea of justice and right from which has developed what Jaurès called "the ideal of Humanity." This ideal, he thought, was becoming incorporated in reality, becoming the motive power in the idea of progress, of the right, of the ideal, whereby unity and conciliation would be realized, because men willed it; and this conception of history was in harmony with all the powers that were making for right and justice in the world.<sup>106</sup> This was a faith which made possible the politics of the new French Socialism. There was a great gulf fixed between Jaurès and Lafargue, who held that "Justice and morals change from one historical epoch to another, according to the interests and needs of the dominant class."<sup>107</sup> The same interpretation is possible for M. Lagardelle's fear in 1901 of "the Radicalization of Socialism," because of the policy of the Millerand Ministry interpreted at Saint-Mandé.<sup>108</sup>

A new spirit behind the old words of revolution and the jargon of the platform attests to the vitality of Labour politics. England, fortunately, had never been so fully in bondage to the phrases of propaganda, so did not have to suffer the penalty of political disillusion so heavily as did the Labour movement in France. In France it was a common possession of all the groups, largely because "the Republic from 1871-1914 was that of men of a certain political position rather than a social republic."<sup>109</sup> The legislature of 1893-

<sup>104</sup> German Preface to a reissue of the Communist Manifesto, 1872.

<sup>105</sup> Louis, *op. cit.*, p. 272.

<sup>106</sup> A year before the Saint-Mandé Programme, MM. Jaurès and Lafargue had a debate in the Latin Quarter which attracted unusual notice; see *Idéalisme et matérialisme dans la conception de l'histoire*. Conference of Jean Jaurès and reply by Paul Lafargue, held in Paris, January 12, 1895 (Lille, 1901), pp. 5-20.

<sup>107</sup> *Ibid.*, pp. 33-34; pp. 21-45 for Lafargue's full reply.

<sup>108</sup> Cf. *Compte Rendu Troisième Congrès Général des Organisations Socialistes Françaises*, 1901, pp. 91-96; see pp. 77-91, for full reply of Jaurès.

<sup>109</sup> Cf. Guy de la Batut and George Friedmann, *A History of the French People*, Introduction by Henri Barbusse (1923), p. 286.



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1898 was the first to give any strong support to the legislative functions of the Republic. M. Lockroy said in the Chamber of Deputies, November 23, 1893, "it seems that this Chamber begins a new era";<sup>110</sup> it was an era convincing men of the truth of what M. Waldeck-Rousseau had said ten years before in the same place, that men were thinking of "being able to transform our social state by the means or magic of a word or a formula."<sup>111</sup> Yet it did not mean that there was less thought for a "new order of society," nor less belief in its possibility. There had come a fuller appreciation of the democratic idea and the method of its attainment. With a recurring power of interpretation, Millerand faced the issues of his day, giving to the struggles of 1893-1902, a vigour of straightforward statement that at times confused his enemies and alienated his friends. No one better stated the cause of Republicanism at the end of the last century in France. In speaking of the problems before society and the Republican parties, he said, July 13, 1898: "Our problem is to prepare and to make easier the inevitable transition from the society of today to the society of tomorrow. Republicans above all, we shall combat with our last strength the continuation of the policy of the Right, which is nothing more than a policy of the betrayal of democracy. Sent here by our pledges for Republican and Socialist work, we have taken our position, we have marked our frontiers, we have defined our line of conduct before all the world. It is not in the increase of poverty, it is in the continuous progress, it is in the unceasing amelioration of the lot of the workers, that we look for the definite triumph of our ideas."<sup>112</sup>

The evolution of the political ideals of Socialism directly produced the period of Revisionism, which marked the passing of Socialism "from the forum into the Senate."<sup>113</sup> In France the case for the Revisionists was stated by M. Millerand, perhaps better than anyone else, because he had personally to carry out the programme that such a policy made inevitable. The period in which his influence began, and in which M. Jaurès came to power, was the

<sup>110</sup> Cf. Paul Detot, *Le socialisme devant les chambres françaises* (1903), pp. 1-5.

<sup>111</sup> Cf. Waldeck-Rousseau, *Discours parlementaires de Waldeck-Rousseau*, speech April 16, 1883, in Chamber of Deputies, pp. 446 seq., qt. by Detot.

<sup>112</sup> Detot, *op. cit.*, p. 8.

<sup>113</sup> Cf. Jean Jaurès, *Studies in Socialism*, editor's note, pp. xv-xvii (MacDonald).

middle of the Revisionist struggle. There was the necessity of separating the essential and scientific from that which clung to revolutionary tradition and political preoccupation in the Labour movement.<sup>114</sup> What would be the mechanism of victory for the working class, now that the working class spirit was expressing itself in the modern democratic state? The bankruptcy of scientific socialism had been well nigh declared; but the problem remained as to the method whereby the working class movement was to triumph, and how it was to free itself from the barnacles of an overworked Marxism.<sup>115</sup> Beyond this task was the larger one of interpreting in its parliamentary activities the idealism which has at all times been a part of the movements which have liberalized institutions and made more generous the sympathies of mankind. That was certainly the problem of the French Socialists of the last ten years of the century, above any other besetting obstacle of their progress and development.<sup>116</sup> The history of the parliamentary Socialists of France away from the dogmatic intransigence of their earlier days, to the wider acceptance of the obligations of political life fully testifies to the break which occurred in French collectivist thought from any early bondage to German social theory, while the activity of the Socialist and Labour members of the 1893-1898 Chamber of Deputies indicated the growing strength of the economic appeal to the Labour movement in France. This fact is to be taken together with the emergence of the Neo-Marxism of MM. Sorel and Berth and the eclipse of the political movement over a period of years. From this point of view M. Georges Sorel endeavoured to redirect the Labour movement in the time of transition when the economic factors and the political were at useless enmity;<sup>117</sup> an enmity which was a part of the Revisionist struggle in France most of all, but very evident in Italy and Germany, and with

<sup>114</sup> Cf. Sombart, *op. cit.*, pp. 116-119.

<sup>115</sup> Cf. Jean Jaurès, *Études Socialistes* (1908), Introduction on Marx.

<sup>116</sup> Detot, *op. cit.*, p. 177.

<sup>117</sup> Cf. Saverio Merlino, *Formes et essence du socialisme* (Paris, 1898), with a Preface by M. Sorel; this is the French translation of *Pro e contro il socialismo*, from the Italian. Note also Sorel's Preface to N. Colajanni's *Le Socialisme*, translated from the Italian by M. Tachella (Paris, 1900). M. Colajanni was an Italian deputy. This Preface is published in Sorel's *Matériaux d'une théorie du prolétariat* (2nd ed. Paris, 1921), pp. 175-200. Yet another Preface written in 1901, for G. Gatti, deputy in the Italian Parliament, for his *Le socialisme et l'agriculture*, published in Paris, 1902, and included by Sorel, *op. cit.*, pp. 201-237. See also H. W. Schneider, *Making the Fascist State* (1928), for a most useful review of this period of Sorel's influence.

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minor significance in England.<sup>118</sup> While Sorel placed the entire emphasis on the economic side, it was Jaurès who kept insisting on the whole-rounded view of social progress.<sup>119</sup> He believed in the development of a political consciousness which will abolish the iniquities of nation to nation, as well as the iniquities of individual to individual. "But that social emancipation," he held, "that economic emancipation suppose a free working class, educated, informed; demand in consequence a democracy organized and aggressive preparing for the new order. That is why we are doubly attached to the Republic, as Republicans and as Socialists, and that is why we are doubly attached to the politics of reform, as democrats and as Socialists." Jaurès taught French Socialism to accept the state as an instrument of economic change; the problem for the Labour movement in his view was to fulfil its duty in making the agency of the state serviceable for the protection and furtherance of the common good.

### III

#### THE SAINT-MANDÉ PROGRAMME AND THE EFFORT FOR SOCIALIST UNITY, 1896-1900

The unity which Guesde hoped to establish in 1880 in the French Labour movement by following the method of close discipline and political organization of the German type, was brought about in 1896 among the representatives of the Reform, the Marxian and the Revolutionary Socialists in Parliament. This unity, often strained, among the Socialists in the Chamber of Deputies has been the reason for the progress of the party and for the great influence, often far out of proportion to their numbers, that they have exercised. They have acted as one disciplined body and have gained much by working as a voting unit.<sup>120</sup> The internal political struggles of France between 1877-1889, caused largely by the deputies of the Right,<sup>121</sup> gave the

<sup>118</sup> Cf. Edward R. Pease, *op. cit.*, who writes of the Fabian Society: "Its first achievement was to break the spell of Marxism in England . . . The Fabian Society freed English Socialism from this intellectual bondage, and freed it sooner and more completely than Revisionists have succeeded in doing anywhere else" (p. 236).

<sup>119</sup> See his speeches in Chamber of Deputies, March 7, 1895 and November 14, 1899.

<sup>120</sup> Cf. Bryce, *op. cit.*, vol. I, pp. 245, 284.

<sup>121</sup> Cf. M. Haurion, *Précis de droit constitutionnel* (1923), pp. 374-375.

first opportunity of the Socialist members to profit by the mistakes of their opponents. In the twenty-five years from 1889 to 1914 the unity of the Socialist-Radical group, with the Socialists nearly always in alliance, gave to that *bloc* the domination of the Chamber of Deputies.<sup>122</sup> While the Radical-Socialist group has often been very loosely held together, the Socialists have nearly always been able to maintain an effective unity in the face of the opposition.<sup>123</sup> There have been divisions in the Socialist party, but on the whole the success of party discipline has been achieved. It is true, of course, that the anarchy of parties which has afflicted the Parliament of France has effectively lessened the party's influence.

This unity has been greatly affected by the political success of Socialism in France and by the necessity, recognized by the leaders, that the party had a definite work to do in maintaining a faith in representative institutions. In the beginning of the political movement there was an enthusiasm which the Radical parties of the various industrial countries have always brought at the first to the game of politics. The success which the Socialist parties obtained in 1893, the first general election at which the Socialist formed a distinct political party, was described by Guesde to his supporters at Roubaix, as a "true revolution, the beginning of the revolution which will make men of you."<sup>124</sup> It followed upon the successes gained at the municipal elections of 1888 and 1892 and the legislative elections of 1889. The *Parti Ouvrier Français* had had a minimum general programme for 1880, which was successfully elaborated by the municipal programme at the congress of Marseilles in 1892 and Nantes in 1894, and the maritime programme developed at the congress of Rouilly in 1895 and at Lille in 1896.<sup>125</sup>

The fact that a definite programme of immediate reforms had been put before the country compelled the party constantly to enlarge and popularize its method of appeal to the working class whom they hoped to win to the general acceptance of the Socialist party as the

<sup>122</sup> Hauriou, *op. cit.*, p. 377.

<sup>123</sup> Cf. J. O. July 1, 1910. *Abbé Lemire*: "If I address myself to you, Socialists, it is because you alone are unified. But when I address myself to the others, to the Radical-Socialists, for example, I do not know where the party begins." *M. Aynard (President of Commission)*: "One knows less where it ends."

<sup>124</sup> Cf. A. Zévaès, *Les Guesdistes* (1911), pp. 86-87, qt. message of Guesde in *L'Autorité*, September 25, 1893.

<sup>125</sup> *Ibid.*, pp. 9-11 and pp. 73-84, for these programmes.

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political means for the gaining of reforms which the Labour movement demanded. The Parliamentary Socialist group numbered about fifty in 1893; some were doubtful followers of the full party programme, but each success that was gained made more imperative the unity of the Socialist group. This was also made necessary by the unusual influence of the Labour and Socialist members in the legislature from 1893 to 1898,<sup>126</sup> due largely to the skilled talents of MM. Millerand Jaurès and Viviani as parliamentarians. In this group the two veterans Guesde and Vaillant have a valued place; for day in and day out they put on record the often dull and dry history of social legislation in all countries, demanding from the State active participation in the remedying of industrial ills.<sup>127</sup> It was the interpellation of Jaurès and Millerand on November 21, 1893, that led to the downfall of the Dupuy ministry.<sup>128</sup> M. Charles Dupuy had expressed strong opposition to Socialism,<sup>129</sup> Jaurès denounced the attack made by the Government on the Socialist party, declaring that such a policy could not be carried out save by the desertion of republican principles.<sup>130</sup> For the defence and support of these principles the Parliamentary Socialist party was committed. The election of 1893 had been fought on the social question, said Millerand;<sup>131</sup> and the general rule of the Socialists in their activity in Parliament and in the elections was the constant and rigorous practice of republican discipline.<sup>132</sup> During the sixth legislature the Socialists gave unwavering support time after time to the Bourgeois Ministry when it was in power.<sup>133</sup> The party deputies had attained a pivotal place under this leadership, helping to maintain the republican majority.<sup>134</sup> Under these favourable circumstances a common tactical basis was

<sup>126</sup> Cf. P. Detot, *Le socialisme devant les chambres françaises* for one of the best and earliest surveys of the period.

<sup>127</sup> Besides the programmes which represent the growing tendency toward emphasis on universal suffrage and parliamentary struggle the debates are instructive; see especially Jules Guesde, *Quatre ans de lutte de classe à la chambre 1893-1898* (two volumes, 1901).

<sup>128</sup> Cf. Albert Orrey, *Les Socialistes Indépendants*, p. 22.

<sup>129</sup> See *J.O.*, November 26, 1893, for the long debate on the Ministerial declaration.

<sup>130</sup> Cf. A. Zévaès, *Le socialisme en France depuis 1871*, p. 155.

<sup>131</sup> Cf. A. Orrey, *op. cit.*, p. 20, for Millerand's Address to the electors.

<sup>132</sup> Cf. J. L. Breton, *L'Unité Socialiste* (1912), p. 54.

<sup>133</sup> Breton, *op. cit.*, pp. 55-57.

<sup>134</sup> Cf. Léon Blum, *Les Congrès Ouvriers et Socialistes Français*, vol. II, 1886-1900 (1901), p. 157; see also *Compte Rendu, Quatrième Congrès Général*

essential, and the basis of the unity for the Parliamentary bloc was given by M. Millerand at the Banquet of Saint-Mandé on May 30, 1896, following the municipal election successes of that year.

For an understanding of the support which the Socialists in Parliament gave to the Ministry of Waldeck-Rousseau the Saint-Mandé Programme is a most useful document, besides being the classic exposition in France of Parliamentary Socialism.<sup>186</sup> It is important also because it provided the basis for the union of the Parliamentary bloc, and even went farther, offering a minimum programme upon which the French Socialist movement was based. It is essential for the interpretation of the Labour movement in France of the first years of the twentieth century.

The audience before which it was given was composed of the leaders of all the larger Socialist groups in France, including Jaurès, Guesde and Edouard Vaillant, and the provincial leaders of the political Labour movement. All gave their unanimous approval to the programme set down by Millerand,<sup>186</sup> which was the common ground of Socialist union when the projects of republican defence were put forward from 1898-1899. Most important of all this programme was the declaration of principles of the first Socialist minister of France, and of the first outstanding parliamentary leader of the modern Labour movement that had been called to take part in the Government of his country. It was the complete statement of his belief in evolutionary or parliamentary Socialism. While in office Millerand stated that his policy was based upon the Saint-Mandé Programme; that the Ministry of Commerce and Industry attempted to put into practice the objectives of that declaration.<sup>187</sup>

*du Parti Socialiste Français, Tours, 1902, p. 213; and Compte Rendu, Deuxième Congrès Général des Organisations Socialistes Françaises, Paris, 1900, Report of the Parliamentary Group, pp. 88, 95-98.*

<sup>186</sup> The Saint-Mandé Programme has been compared with a closely contemporary English programme, the Report on Fabian policy which was presented to the London International Congress of June, 1896, Fabian Tract No. 70; see R. C. K. Ensor, *Modern Socialism* (3rd ed. London, 1910), p. 48. The Fabian Tracts provide a commentary on economic and political problems in England since 1884.

<sup>186</sup> Cf. M. Briand's speech at Lyons Congress, *Compte Rendu Troisième Congrès Général Organisations Socialistes Françaises, Lyons, 1901, pp. 301-325*, one of the best statements on the period.

<sup>187</sup> Cf. Millerand's speech at Lens, October 7, 1900, in A. Lavy's *L'Oeuvre de Millerand, Un Ministre Socialiste (Juin 1899-Janvier 1902)* (1902), pp. 409-415, also A. Millerand, *Politique de Réalisations* (1911), pp. 288-301, on the "XX<sup>e</sup> Anniversaire Du Mandat Législatif," before his constituents.

The Saint-Mandé Programme laid down the minimum programme of Socialism. "At the stage of development which the Socialist party has reached," M. Millerand said, "I consider it to be its interest as well as its duty to define its frontiers with all possible precision. Whither is it going? By what paths does it propose to attain its end? Is it true that it has for its aim the suppression of liberty and confiscation of property, for it means the recourse to force? These are the traits on which our opponents of every kind usually agree in delineating the Socialist party. Yet does it not appear on the face of it that all the points of this pretended definition—suppression of property, recourse to force—form the crudest antithesis, the most brutal contradiction, to our doctrines as well as our facts? Is not the Socialist idea completely summed up in the earnest desire to secure for every being in the bosom of society, the unimpaired development of his personality? That necessarily implies two conditions, of which one is a factor of the other: first, individual appropriation of things necessary for the security and development of the individual, *i.e.*, property; secondly, liberty, which is only a sounding and hollow word if it is not based on and safeguarded by property."

The description of the anarchy of capitalism was characterized by his stating that under it there was no security for anyone. Farmers, merchants, manufacturers, intellectuals as well as manual workers, were the prey of every chance. Collectivism was the escape from this excess of ill which led to a new "feudal class being set up, which is accumulating in its hands the ownership of the instruments of production, to become by a slow but implacable progress the absolute master of the economic, political and moral life of the whole people, reduced by it to the modern form of slavery called the wages system."

The most exact Marxian interpretation was followed by M. Millerand so far as he outlined the development of capitalistic society which replaced "individual property, the condition and safeguard of liberty, by the tyrannous monopoly of a minority." Collectivism "does not rebel against this observed fact; it bows before it. It does not pretend to retrace the course of the centuries, nor decree the transformation of mankind; on the contrary, it adapts itself to its rules. Since it is a law of sociological evolution that all the means of production and exchange pass from the form of individual property to that of capitalistic property, withers and dies, in that proportion social property should replace capitalistic."

However valuable the contribution of the Marxian emphasis it is certain that its deterministic philosophy has not provided the highest motives for social transformation, and the materialism of such a statement of M. Millerand's (so marked in much of early French Socialistic writing), helps to explain the revolt of the younger men in the revolutionary syndicalist movement. The sterility of the merely Collectivist solution of the industrial breakdown, and impatience with the appeal to the necessarily slow and experimental aid of Parliament, became increasingly evident as the complex problems of business and trade organization were more clearly understood and men were convinced that the state alone could not be the means of saving the social and economic order. But Millerand's appeal indicates the reliance that was put in the state.<sup>138</sup> His programme demanded much faith in the power of Socialism. "If Socialism today," he said, "dominates and overshadows every party, if it attracts and retains the passionate interest of every cultivated mind, if it thrills every generous heart, it is because in its large synthesis it embraces every manifestation of life, because nothing human is alien to it, because it alone offers today to our hunger for justice and happiness an ideal purely human and apart from all dogma."

The realization of this ideal could be achieved in only one way, universal suffrage, for social transformation could be got from no rebel minority but from a majority with a purpose. Millerand asked, "Resort to force?—for whom and against whom? Republicans before everything, we do not indulge the crazy idea of appealing to a pretender's sham prestige of a dictator's sword to secure the triumph of our doctrines. We appeal only to universal suffrage. It is the voter that we want to set economically and politically free. We claim only the right of persuading him. I do not suppose that any one will credit us with the absurd intention of taking revolutionary steps against the Senate, which a Radical Ministry, had it vacillated less, would have sufficed to have restored to reason. No, to realize the immediate reforms capable of relieving the lot of the working class, and thus fitting it to win its own freedom, and to begin, as con-

<sup>138</sup> An interesting contrast to the point of view of Millerand and a definite statement of a well-defined English point of view is found in J. Shield Nicholson's *Historical Progress and Ideal Socialism* (London, 1894), an evening discourse delivered to the British Association at Oxford in the Sheldonian Theatre, 13th August, 1894. This was the first occasion on which the section of Economics and Statistics had been called upon for one of the evening discourses.



ditioned by the nature of things, the socialization of the means of production, it is necessary and sufficient for the Socialist party to endeavour to capture the Government through universal suffrage." <sup>139</sup>

This doctrine was very much akin to British Labour. Such a faith in the efficacy of political control indicated a belief in the constructive power of the Labour movement.<sup>140</sup> The Saint-Mandé Programme of 1896 had its counterpart in the famous *Circulaire* of August 25, 1884, issued by M. Waldeck-Rousseau, while Minister of Interior in the Jules Ferry Cabinet. This Circular made known the views of the Government on the application of the law of March 21, 1884,<sup>141</sup> expressing the policy of Waldeck-Rousseau as Minister of Interior in 1884,<sup>142</sup> and the views of the leader of the French nation at the beginning of the twentieth century when the Republic was beset by military intrigue and social anarchy. It is worth while noting that from 1884, the "syndical period of legislation," a great deal had been done to make possible the alliance which was an effective force in the Ministry of M. Waldeck-Rousseau during the critical period of 1898-1902. The Saint-Mandé Programme and the Circular of Waldeck-Rousseau form together a working commentary on the ideas and spirit of the two leaders whose definite task when called to power was the maintenance of republican institutions.

The *Circulaire* explained the serious change in the statutes of the syndicates. By its emphasis on the duty of the Prefects and the formulation of means and methods of carrying out the provisions of the law a turning point is marked in the administrative development of French Labour legislation. For the first time the problem of administration was put to the forefront and made the basis of the successful working out of a law. Professor Pic takes the passing of the law of May 19, 1874, which carried with it the means of effective

<sup>139</sup> For the Saint-Mandé Programme, see A. Lavy, *op. cit.*, pp. 426-438; for English translation see R. C. K. Ensor, *op. cit.*, pp. 48-55.

<sup>140</sup> Cf. Millerand's address of July 12, 1900, before the co-operative societies on the "workers' century," to create and direct as they will, Lavy, *op. cit.*, pp. 404-408; see also M. Duboin, *La Législation Sociale à la Fin du XIX<sup>e</sup> Siècle* (1900), pp. 9-13, with regard to Millerand's official efforts.

<sup>141</sup> Cf. *J.O.*, August 28, 1884, for this Ministerial Circular; also *Bull. Off. Ministry of Interior*, 1884, p. 409.

<sup>142</sup> Cf. Henry Leyret, *De Waldeck-Rousseau à la C.G.T. La Société et les Syndicats* (2nd ed. Paris, 1921), Introduction, pp. 27-38; "the syndicalism of 1920 was in the law of 1884."

supervision and inspection, as the beginning of French Labour legislation, but the law of 1884 went even farther in laying down positive instructions on administration and defining the spirit behind the law.<sup>148</sup>

The Prefects were reminded of their "most serious duty"; that though the State in its rôle was to see that the law was strictly observed, the Prefects could do much "to favour the spirit of association" and to stimulate and make easier the use of "this law of liberty," because among the working-men there were difficulties and inexperience which had arisen because this liberty had not existed before. The dominant purpose of the Government and the Chambers in the elaboration of the law had been the development among the working-men of the spirit of association. In fact the legislators had gone farther than that in their thought, for they hoped that these professional associations would be "less a weapon of struggle than an instrument of material, moral and intellectual progress" legal protection and recognition had been given them "to carry on to a higher degree of usefulness their beneficent activity." The institutions which had produced among the people such splendid results must be made more useful and should be multiplied, such as old-age pension funds, mutual credit banks, libraries, co-operative societies, bureaux of employment, etc. It was the wish of the Government and of the Chambers to see the development in the largest possible measure of the trade associations and of the institutions which they were destined to create.

Urging the Prefects to aid in bringing about the fullest usefulness of the law, Waldeck-Rousseau stated that in passing the law the Government and the Chambers did not let themselves be frightened by the hypothetical peril of an anti-social federation of all the workers, but hoped that the "new liberty" which had been given to the workers in full confidence of the wisdom which they had so many times shown, would initiate in the minds of the most humble a conception of the great problems of economics and society. It was further added that the Government felt the obligation of administration in making the law effective, and that the Prefects should give "active assistance in the organization of syndicates and syndical institu-

<sup>148</sup> *Op. cit.*, pp. 77-79; see also the speech of M. Waldeck-Rousseau in the Senate, February 2, 1884, on article 5 of the law, permitting union of syndicates, an early settlement of his doctrine of *Solidarité* (pp. 217-230, Leyret, *op. cit.*).

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tions," keeping always in mind that "the rôle of republican administration was to aid and not to complicate."<sup>144</sup>

Such was the attitude of one of the many English and French statesmen who have been called "the last of the Liberals";<sup>145</sup> and there would have been little more than the accustomed opposition to the support of the Socialists for the Government which he formed had not the Ministry included General de Galliffet, against whom there was an undying hatred on the part of many in the Labour movement for his connection with the suppression of the Commune.<sup>146</sup> When Millerand decided to accept office under Waldeck-Rousseau, he was supported by Jaurès, Briand, Viviani and Fournière, who agreed that the country was in peril, but for Guesde and Vaillant the entrance of a Socialist in a bourgeois Government violated the principle of the class struggle. The *Comité d'Entente* considered the question the 23rd of June, 1889, but went no farther than passing a resolution that it was only on his own responsibility that a deputy of the party had entered the new ministry. The national council of the *Parti Ouvrier Français* met the next day and declared that there was nothing in common between the representatives of the party and a ministry which counted among its number "le fusilleur de Mai."<sup>147</sup> In the Chamber the Socialist deputies were divided on the vote of confidence in the new Ministry; some voting for the ministerial declaration,<sup>148</sup> others abstaining.

President Loubet charged M. Waldeck-Rousseau with the duty of constituting a Cabinet of "Republican Defence", as the phrase usually given, when the third ministry of Dupuy fell. France needed the strong hand of a master. From 1896 the forces of reaction and conspiracy had grown in power and effrontery, reaching a climax in

<sup>144</sup> Compare with this early policy the development of the idea in M. Paul-Boncour's *Le Fédéralisme Economique* (Paris, 1900), to which M. Waldeck-Rousseau added a Preface, and his *Les syndicats de fonctionnaires* with Preface by Anatole France (1905), chap. III.

<sup>145</sup> Cf. Paul Reynaud, *Waldeck-Rousseau* (Paris, 1913). Herbert Lagardelle wrote in *Le Mouvement Socialiste* that Waldeck-Rousseau would remain the last type of the French Liberals.

<sup>146</sup> Cf. *La République de Galliffet, La République de Millerand* (Paris, 1899), an eight-page pamphlet indicating popular feeling at the time; also Breton, *op. cit.*, p. 58.

<sup>147</sup> Cf. Orrey, *op. cit.*, p. 42.

<sup>148</sup> Cf. *Les Déclarations Ministérielles et les Ministères* (du 4 Septembre, 1870, au 1er Janvier, 1914), Guy Lavaud (1914), pp. 95-96, for the declaration; see also *J.O.*, 27 June, 1899,

the rioting of Auteuil when President Loubet was assaulted. "The year of hatred," as 1899 was called, made France a victim of the mobs of Paris and the intrigues of the Nationalists, the Clericals and the Militarists.<sup>149</sup> An English philosopher viewed the dangers besetting the French Republic (December, 1898) as tests applied to the strength of the national idea. "If the idea cannot maintain itself, we must reluctantly suppose that it ought not—that the common life has not the necessary depth." In 1919 he added, "The question seems to have answered itself."

The phrase "a Cabinet of Republican Defence," suggests the resolution that forced out of office M. Méline and his Government of Moderates, when the Chamber declared that the Government should depend upon "an exclusively Republican majority." M. Brisson with his Republican-Concentration Cabinet,<sup>150</sup> preceded the ministerial crisis of 1899 when Waldeck-Rousseau decided to follow the counsel of republican leaders who saw the only hope of the Republic in an "alliance of the bourgeoisie and of the working class."<sup>151</sup> This condition was seen much earlier by Gambetta as a condition of maintaining the Republic.<sup>152</sup> And at this time the Socialist leader Paul Brousse, who had led the opposition which caused the first rupture in French Socialism, at the Saint-Étienne Congress in 1882, could write in *La Petite République*, that "the safety of the country is the supreme law. When it is in danger, it is necessary to exhaust all measures of defence, equally the legal arms as well as the revolutionary means."<sup>153</sup>

The address<sup>154</sup> of M. Paul Deschanel, who had been re-elected

<sup>149</sup> See Bernard Bosanquet, *The Philosophical Theory of the State* (3rd ed. 1920), pp. 299 n i. Cf. A. Hassall, *The French People* (1902), pp. 363-377.

<sup>150</sup> Cf. *Les Déclarations Ministérielles et les Ministères*, pp. 86-94, for this period.

<sup>151</sup> Cf. G. Hanotaux, *op. cit.*, vol. II, p. 181; it may be mentioned that M. Hanotaux was a member of the second Dupuy Ministry (May 30, 1894, to January 26, 1895); the third Ribot Ministry (January 26 to November 1, 1895); and the Méline Ministry (April 29, 1896, to June 28, 1898).

<sup>152</sup> Cf. Paul Mantoux, *Lectures on the History of the Nineteenth Century* (Cambridge, 1902); no. ix, pp. 171-192, "Two Statesmen of the Third Republic" (Thiers and Gambetta); "Waldeck-Rousseau as a political pupil of Gambetta and his democratic tradition," pp. 191-192; and H. A. L. Fisher, *op. cit.*, pp. 280-301.

<sup>153</sup> August 7, 1899, quoted by Sylvain Humbert, *Les Possibilistes* (1911), p. 80.

<sup>154</sup> *J.O.*, January 12, 1900, pp. 5-6.

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President of the Senate, opening the Chamber on January 11, indicated that the movement of anti-parliamentarianism had only revealed more plainly the need of orderly constituted Government, and the "respect for justice which is the foundation of the State." His concern was that France should guard the "Principle of justice which she has always represented in the world"; her *raison d'être* was the defence of the "rights of the human person and respect for the forms of justice." M. Deschanel declared that "during the last twenty years the essential rules of parliamentary government and the very spirit of the constitution have received blows from which the country suffers, and a consequence is that certain ills are imputed to parliamentary institutions when they are the result of a misapplication of those principles." Yet he felt it was given to France at the end of the nineteenth century to show to the world, in the International Exposition, "the glorification of labour, the encyclopaedia of the efforts accomplished to ameliorate human life, the picture of the conquests of universal genius."

The day before, January 10, M. Léon Bourgeois at a dinner given by the Committee of Action for Republican Reforms, had warned against the subversive forces from the Right and the extreme of reaction which threatened the Government on all sides; which fear was again emphasized when on January 12, in receiving the office-bearers of the Chamber, President Loubet urged the union of all Republican deputies in defence, with him, of the Constitution and of the parliamentary system. It should be kept in mind that often certain official phrases are used after they cease to have their original meaning, but the bitter and cruel struggle of this period must have a real place in an understanding of the parliamentary history of the French people at the beginning of the century; it is especially to be kept in mind when one reflects that no such crisis could have occurred in England.

To an outside political observer it appeared that "the Republic exists because it exists. It exists because the great mass of the people have rallied to it, and ask nothing better than to preserve it, but it wishes to preserve the Republic in peace, and it cannot be counted upon at moments of supreme crisis when the Republic has to be defended, otherwise than by simple adhesion and vote. What the Nationalists are looking for is a man, and everyone knows what this

word means; a Boulanger, a Roget, who consents, a general ready to risk his head to obtain the supreme place."<sup>155</sup>

The Ministry of Waldeck-Rousseau began its work of defence and social pacification under such a condition of affairs. Bryce has emphasized the difference in preparation of France and England for a Parliamentary democracy, finding since the death of Gambetta no single leader of dominating personality.<sup>156</sup> Under hard conditions Waldeck-Rousseau held office longer than any premier since 1875. Commenting on the state of France one critic declared that "the elections of 1898 sent to the Palais Bourbon the most turbulent chamber of any that the Third Republic had produced. In its usurpation of judicial and executive functions it has treated the principle of the separation of powers after the manner of a convention and not of a Parliament."<sup>157</sup>

The fact that M. Millerand was asked to take office as Minister of Commerce and Industry, indicated a reliance upon the Left, and the increasing power and influence of this group.<sup>158</sup> Up until 1905 when the Socialists refused to co-operate with bourgeois Governments, the Union of the various groups of the Left with the Radicals was the condition of maintaining a ministerial majority.<sup>159</sup> M. Waldeck-Rousseau resigned office June 6, 1902, after winning a general election, when his Ministry had a majority of more than fifty votes. He was succeeded by M. Combes, 1902-1905, who lacked the capacity of effective leadership, or the ability to direct the republican forces against the combined reactionary tendencies of his opponents.<sup>160</sup> The problem of maintaining democratic institutions

<sup>155</sup> London *Times*, January 3, 1900, p. 6, Paris correspondent of *Times*.

<sup>156</sup> *Op. cit.*, vol. I, pp. 327 ff., and p. 298.

<sup>157</sup> J. E. C. Bodley, *France* (1900 edition), p. xxiv.

<sup>158</sup> Cf. Seignobos, *L'Evolution de la 3me République*, pp. 211-216 and p. 288.

<sup>159</sup> Cf. A. Zévaès, *Le parti socialiste de 1904 à 1923* (1923) pp. 13-46; also J. L. Breton, *op. cit.*, pp. 54-87, for one of the best criticisms of the class struggle in Parliament by a careful writer with much experience of what he recounts and interprets.

<sup>160</sup> Cf. *Les Déclarations Ministérielles et les Ministères*, pp. 95-102. Cf. Ernest Dimnet, *France Herself Again* (1914) (Tr.), for a partisan criticism against M. Combes, with some degree of bitterness; the Church controversy and the split in the Socialist ranks were more to account for the lack of persistent policy, both of which M. Dimnet overlooks. If Jaurès had had a united backing Combes would have been stronger; his entire administration was a very critical one.

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was to the fore in all of the political and economic struggles of the Government.<sup>161</sup>

In the face of such serious political crises as beset the French Labour movement it is remarkable that the effort for unity and a common organization of forces could have gone on with so much of success. But the very difficulties which beset the nation seemed to make more determined the will of the most thoughtful leaders. Although unity among the representatives of the various Socialist groups in Parliament preceded by two years the forming of a committee of the parties for joint action (October, 1898), the *Parti Ouvrier Français*, under the skilful direction of Jaurès, at the Congress of the party at Montluçon in September, 1898, opened the way for Socialist unity. This Congress held that the crisis which the clericals and nationalists had brought upon the country demanded an unitary organization of the working class, and approved a project which would unite the five Socialist organizations, expressing the concerted action of the militant and revolutionary workers.<sup>162</sup> The resolution which was passed at the Congress stated that the central organization for proletariat defence and for the Republic would include the *Parti Ouvrier Français*, the *Comité Révolutionnaire Central*, the *Fédération des Travailleurs Socialistes*, the *Parti Ouvrier Socialiste Révolutionnaire* and the *Socialistes Indépendants*. The Independents were unorganized, but were to form a national group and take the Saint-Mandé Programme as their basis. Delegates from each of the five groups would constitute the representative committee of the *Union Centrale*. These organizations formed at the first meeting the *Comité de Vigilance*.<sup>163</sup> This Committee adopted

<sup>161</sup> The stormy parliamentary sessions of 1905 can be instructive; see especially the two days' debate on the Vazeille interpellation on the general policy of the Government; *J.O.*, January 14, 1905, *S.O.*, pp. 11-23; *J.O.*, January 15, 1905, *S.O.*, pp. 27-52. These pages cover the chief speeches of the Left for the Government; Zévaès (pp. 19-21); Vaillant (pp. 22-23); Jaurès (pp. 46-48); and the survey from 1902 of M. Combes (pp. 31-39); note the chief opposition speech, M. Paul Deschanel (pp. 16-19), who said Combes had "abdicated." The Government carried the order of the day by a majority of ten, 289-279, but M. Combes declared he could not carry on under the circumstances.

<sup>162</sup> Cf. Léon Blum, *Les Congrès Ouvriers et Socialistes Français*, vol. II, pp. 166-169.

<sup>163</sup> At this meeting the *Parti Ouvrier Français* had 25 mandates; the *Parti Socialiste Révolutionnaire*, 15; the *Parti Ouvrier Socialiste Révolutionnaire*, 12; the *Fédération des Travailleurs Socialistes*, 5; *L'Alliance Communiste*, 8; the *Fédération Republicaine Socialiste de la Seine*, 5; the *Coalition Révolu-*

a motion declaring that the revolutionary forces were united and resolute against all eventualities; it protested against the attacks on the liberty of the workers and made a strong appeal to all of the working class to join together in the defence of the republic. This appeal was signed by two representatives of the five organizations and the delegates from the Socialist press. Among those who signed the appeal were Guesde, Vaillant, Brousse, Jaurès, Briand, Millerand, and Viviani.<sup>164</sup> It is interesting to note that in this group were three future prime ministers and a president of the Republic, an interpretative commentary on the Socialist movement in France at the beginning of the century. It also represented the leadership of the entire Socialist party at the end of the nineteenth century, and indicates the high feeling which characterized all of the activities of the Labour movement in France at the beginning of the new era. Out of the many proposals and debates which follow closely on this period one can understand how the working class movement attempted to meet the issues, and how the Republic sought to maintain that social compromise which the legislation of the period very fully represents.

The *Comité de Vigilance*, in November, 1898, decided in favour of a permanent central organization of the Socialist groups, which was formed December 11, 1898, and named the *Comité d'Entente*. It included the five Socialist organizations named above, taking the Saint-Mandé Programme as the basis. The substitution of the collectivist for the capitalistic régime, the conquest of political power, and the international entente of all workers, were the major principles held in common. The decisions of the Committee were required to be unanimous, so it is easily understood why the deliberations would become tedious and often sterile. But soon there was an opportunity for the *Comité d'Entente* to be useful. The entrance of Millerand in the Waldeck-Rousseau Cabinet was the signal for the French Labour movement to divide; those who regarded the action of Millerand as a repudiation of the idea of class warfare joining with Guesde and Vaillant, while Jaurès, Brousse and the Independents defended the policy of participation. So acting on the proposal of Jaurès to Guesde and Vaillant, the *Comité d'Entente* called for a congress in Paris of

*tionnaire*, 5 (Briand held one of these); and the Socialist press, 5, two of these including Millerand and Jaurès.

<sup>164</sup> Cf. *Le Mouvement Socialiste*, January 1899, for the full plan and programme of Socialist unity by Jaurès. Cf. Paul Louis, *Histoire du parti socialiste en France, 1871-1914*, p. 20; and his *Histoire du socialisme français*, pp. 272-273.



the French working class, where the whole of the French Labour movement would be represented. The *Cas Millerand* was the most grave event which had taken place since 1871 in the history of the French working class ; it was the dividing of the world of the worker and the revolutionary into two parts—deciding in effect if French Socialism should remain bound by the limitations of the movement which was represented by the Communist Manifesto of 1848 and the *Parti Ouvrier Français* in 1880, or, if participating in a bourgeois Government, it would become a political faction, a neo-radicalism, a wing of the Republican party. A quarter of a century later French Socialism had not successfully settled this question.

## CHAPTER II

### SOCIAL LEGISLATION IN FRANCE

The survey of the social movement in France showed that legislation dealing with the industrial system was a product of slow growth there as it was in England. The beginnings of present day statutes were in the nineteenth century, and if their expansion had been foreseen this would have been an additional argument against the earlier Acts of state intervention. This was a period in France, as it was in England, when men's minds were slowly being prepared for the larger changes which were to take place in the new century. Advocates of remedial legislation were to find support of fresh legislation in previous parliamentary Acts, and, in fact, they often put a construction upon earlier statutes which was not warranted by the contemporary evidence. M. Clemenceau, in defence of his Government in 1906, began with the year 1885 in a survey of the social policy of the Republicans. The reformism he advocated, he said, was to be judged by successive Acts of Parliament which he enumerated.<sup>1</sup> They were his answer to Jaurès. This same appeal to the past was made by M. Loucheur, Minister of Labour, when on January 22, 1929, he brought to a close a three session debate on the interpellations dealing with the social policy of the French Government. But in his survey he began with the year 1841, when the state intervened to protect the child at work, reviewing the social legislation of the Third Republic in his reply to questions ranging from family allowances to the ratification of international labour conventions. "1870!" He allowed the date to stand alone and gave the Chamber of Deputies time to think upon it. "The Republic was proclaimed. What is now the position of the worker?" Social policy was to be vindicated by the difference between 1870 and 1929 in

<sup>1</sup> *J.O.*, June 20, 1906, pp. 2006-2012; reply of Jaurès, pp. 2012-2019; earlier speeches: *J.O.*, June 19, pp. 1994-2002, Clemenceau; *J.O.*, June 15, pp. 1957-1961, Jaurès. *J.O.*, Jan. 17, 18 and 22, 1929.

the life of the French worker. His answer was to give the Acts of Parliament from 1870 which repressed abuses first and which now actively encouraged the wage-earner to organize his interests through workers' associations of production and consumption. Thus in surveying the social legislation of France since 1900, the facts which obtain for the period in England are the same, so far as continuity in legislation is concerned. There is no break with the past. Legislation in France in this century is based upon what was done before, and, there are of course new developments which a changing public policy has made possible, supported by a new spirit in trade unionism and among industrialists.

The period in France from 1898 to 1905 was characterized by a vigorous spirit in Parliament in promoting social legislation. The law projects introduced in the French Parliament of 1898-1902 have been the basis of several of the most important Acts of social legislation passed in this century, and it is well carefully to note them at the beginning of this survey. There is especial interest in the projects of social reform of the Government of M. Waldeck-Rousseau for this Ministry ended an old period and began a new one,<sup>2</sup> an opportunity opened for fresh attack on old problems. The pressure both from public opinion and the influence of organized labour kept constantly reacting on the policies of political parties. Legislation had been increasingly influenced by the earlier Radical and Socialist movements which followed the establishment of the Third Republic. The politics of the Radical-Socialists testify to it as well as the effective parliamentary success of the Socialist deputies. It was a time of fruition for the social philosophy of intervention, inspired by the humanitarianism of earlier schools of thought as well as by a widespread deadlock in French industry. There was this mutual antagonism between workers and employers, and the Government knew the bitterness which existed in French industry. If a policy of "sterile parliamentarianism" was reflected in reformistic politics, as the syndicalists declared, or if the social doctrine of solidarity

<sup>2</sup> Cf. Ernest Charles, *Théories Sociales et Politiciens, 1870-1898* (1898), especially chap. I, "La Théorie Sociale au Parlement et le Parlementarisme," pp. 1-33; also his *Histoire Psychologique et Morale du Parlementarisme, 1870-1898* (1898). See A. L. Lowell, *Governments and Parties in Continental Europe* (1896), vol. I, chaps. I-II, pp. 1-145; J. E. C. Bodley, *France, 1900* edition, especially the last Preface; and Eugene Pierre, *Politique et Gouvernement* (2nd ed. 1896).

as taught by M. Bourgeois seemed impotent,<sup>3</sup> there were increasing indications that new forces were forming in the legislatures of 1893-1902.

The Government by introducing the law projects of the Ministry of Commerce and Industry, sponsored by M. Millerand, definitely continued the policy which had been outlined by M. Waldeck-Rousseau in his famous Circular on the law of 1884. The French Labour movement from 1884 made use of the growing power of the syndicates to promote the economic freedom of the worker.<sup>4</sup> The freedom of association allowed by the law of 1884 to the working-men gave them power in industrial bargaining; and, this awakened strength, taken together with the expansion of French industry, intensified the struggle between the employers and employees. Open conflict brought new problems which had to be faced by the Government, and the Ministry of Waldeck-Rousseau determined to create if it were possible conditions of social peace. The law projects were formulated to meet the most important problems of the French Labour movement and to cope with the larger needs of industrial organization confronting the French nation. Millerand at that time was no mere opportunist nor was he an unbalanced social reformer, and few leaders of Governments had so definitely interpreted their social policy as Waldeck-Rousseau.<sup>5</sup> Millerand and Waldeck-Rousseau may have placed too much confidence in the machinery of state control and the adequacy of trade and professional organization at that period in France to meet the responsibility put upon them, but this over-emphasis had a counterpart in the politics of non-co-

<sup>3</sup> M. Léon Bourgeois' statement in *Solidarité* (1st ed. 1894, 7th ed. 1912), may be taken as the basis of the original idea. For him *Solidarité* appears in the history of ideas as the development of the philosophy of the 18th century, working out in social and political theory the abstract terms of liberty, equality and fraternity of the Revolution. The writings of M. Charles Bouglé early developed this idea; first notably in *Les Idées Égalitaires* (1899), cf. chap. IV, Part II, pp. 206 ff.; then in *Solidarisme et Libéralisme* (1904), with which compare M. Camille Sabatier, *Le Socialisme Libéral ou Morcellisme* (1904); and more fully in *Le Solidarisme* (1st ed. 1907, 2nd ed. 1924). Cf. Maurice Bourgin, *Les Systèmes Socialistes et L'Évolution Économique* (1904), chap. xxiii, pp. 350-388; and, Pic. *op. cit.*, pp. 40-46.

<sup>4</sup> Cf. *Compte Rendu, Troisième Congrès Général des Organisations Socialistes Français, Lyons, 1901*, p. 81, speech of Lagardelle, and pp. 82-83, remarks of Jaurès.

<sup>5</sup> Cf. M. René Waldeck-Rousseau, *Questions Sociales* (1900), *Discours parlementaires* (1879-1889), and *Discours politiques* (1889-1899), two volumes.

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operation of the Socialists and in the syndicalist philosophy of society.

The law projects that were supported by the Government and the decrees issued by Millerand while Minister of Commerce and Industry, June 1899 to January 1902, constitute the record of the Government in the effort to encourage the organization of syndicates and to place behind the working class the power of the state. Intervention to establish equitable conditions of work was accepted. The new century began in France with organized labour possessing a power it had not had before, and the Government was committed to a policy of intervention in the industrial system.

### THE WORK OF MILLERAND AND ITS EXPANSION BY SUBSEQUENT LEGISLATION

Millerand first gave his attention to the organization of the staff of administration in his department. A ministerial decree of August 1, 1899, later completed by the decree of October 10, 1900, consolidated in one office, *Direction du Travail*, the work of control and inspection of mines and manufactures, and also the health and security of the workers. This decree also established the division of Insurance and Social Welfare (*Division de L'Assurance et de la Prévoyance Sociale*), taking over the duties of the department which had charge before of insurance, pensions and savings banks. This new department was charged with carrying out and organizing the administration of the law on accidents to workmen, the Act of April 9, 1898. The administrative importance of these agencies of control was foremost in the policy of the Government; and by the decrees and letters of instruction on the application of the laws the way was prepared for the creation of the *Ministère du Travail* in 1906.<sup>6</sup> This same decree created a new office, that of Technical Education (*Enseignement Technique*), dealing with technical and scientific training; and the divisions of Commerce and Industry were included under the same administrative head, while a separate section was charged with the duty of looking after problems of personnel and finance in the Ministry. The administrative reorganization of the

<sup>6</sup> Cf. Albert Peyronnet, *Le Ministère du Travail, 1906-1923* (1924), pp. 1-8; Malon, *op. cit.*, vol. II, pp. 169-208.

department by M. Millerand is an indication of the conscious purpose of the Government to use their influence in helping to direct French industry and labour. It is also an indication at this time of the growth of administrative agencies in the French government and the importance of these services.

1. *The Decrees of August 10, 1899.*

Three official decrees at the beginning of Millerand's administration started lively discussion on the policy of the new Ministry. The Decrees of August 10, 1899<sup>1</sup> mark an epoch in French social legislation. It is well to remark that while three decrees were issued, they are substantially the same in the conditions they lay down: the first applies to the central government; and the two others concern the departments, cities and charitable institutions of the state. M. Millerand, counting on the support of the Chamber of Deputies and believing that the Senate would oppose his efforts, forestalled their action by means of a departmental decree. There was at this time a strong antagonism among the Socialists against the Senate, and its abolition was advocated. This feeling today, when there are fifteen members of the Socialist party in the Senate, is greatly lessened, but in the early part of the period covered by this study there was continued agitation against the upper body of the French parliament. The abolition of the Senate is however part of the political programme of the Unified Socialist party. There was at the time much protest at both the content of the Millerand decrees and the manner in which they were given to the country. The legality of the Decrees is now uncontested, and, in fact, they have become long since an important part of existing legislation. By a Decree of September 26, 1913, the provisions of the Decrees were extended to Algeria, and in the recent treaties of France dealing with foreign workers in France, the principle of a minimum wage has been introduced. The Franco-Italian treaty of September 30, 1919, provided that foreign workers would not receive less than French nationals engaged in the same work. This principle was also embodied in the Franco-Polish treaty of September 7, 1919.

The *Decree Millerand*, as it was called, laid down the conditions upon which the contracts given for public work were governed.

<sup>1</sup> Dalloz, *Code du Travail*, pp. 176-181.

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Millerand stated that if the public powers of the state recognized the need of industrial reform, they should be the first to prove its utility by putting into application the principle, an argument which was early given for the Fair Wages Clause in government and municipal contracts in England. The Decree attempted to set up a standard of normal wages, requiring that work under public contract should be paid for in wages equal to the current rate of wages in the district in which the work was carried on. It was further provided that in all public works the workers should have one rest day a week; that the working day be reduced and that a universal normal working day be fixed; that a minimum wage be established for every category of worker; and that the number of foreign workers be limited. Of course this Decree could not alone bring about the objectives aimed at in the above enumeration—a code of social legislation itself—but it is important to have had this standard officially recognized by the state. But apart from the intervention of the state, a fact of significance at this time in France, the means adopted by the Government to carry out the provisions of the Decree marks a step in advance in French administration of social legislation. Administration was centred in the syndicates of the city and department where the work was carried on; the collective contracts entered into by the employers' syndicates and the workers' syndicates were the basis of the wage decisions. Where such groups did not exist the mixed syndicates of employers and workers were to determine the basis for contracts of work. This gave the syndicates a new power, not only in their bargaining capacity, but more important, it gave them the authority which the Government recognition of their function of representation in trade interests had made possible. The author of the Decree pointed out that the first aim of the Decrees was to see that the state, the departments and the municipalities were not unwittingly agents in placing obstacles before the workers. The Government put upon the workers themselves the control of conditions, giving to the workers' syndicates as well as the employers' syndicates a rôle in the fixing of wages, duration of work and conditions of employment. Measures were taken to see that the application of the Decrees was assured. An administrative commission was instituted four days after the Decrees were promulgated to study the conditions of their enforcement in all contracts made in the name of the state. General instructions were sent to all of the officers of

the Ministry of Commerce and Industry, especially defining the application of the law to the postal and telegraph services. The contracts given for the Paris exposition of 1900 by the state were personally looked after by M. Millerand; and the various departments gave added instructions where they were concerned in the fulfilment of contracts. These departmental rulings were given to all of the Prefects and were made servicable by indications of practical detail to be carried out. While there were no penal sanctions the effective fulfilment of the Decrees depended upon the state promptly repudiating a contract where the conditions of the Decrees were not met. Millerand made it plain that the state was to indemnify the worker directly when contracts were not fulfilled, and then the contractor was to be held responsible. In the Chamber of Deputies, July 4, 1899, Millerand said he believed civil action was sufficient to insure observance of the Decrees.

The Millerand Decrees have been discounted because the French working class were not sufficiently organized to get the most out of their provisions. This of course was true at the time the Decrees came into force but more effective trade union organization and the growing sentiment for a minimum standard of wages has made this particular criticism less significant. The failure of the French worker to organize and the lack of vigorous policy in using what agencies of control the Government allowed have to be taken into account in this whole section of legislation dealing with the workers' associations and French industry. It is a problem by no means yet solved. But the importance of the Millerand Decrees was that the Government recognized the representative character of employers' and workers' organizations, and the principle of the minimum wage was sanctioned in an official way. It was fifteen years later that the Act of July 10, 1915 established a minimum wage for home-workers, and the Decree of January 16, 1917, empowered joint committees to draw up wage-tables in the munition and armament factories, but both these measures had their sanction in the Decrees of August 10, 1899. The Trade Boards Acts of 1909 and 1918 defined the same principle in England, and a joint responsibility in the administration of the Acts is similar to the French principle of administration. Millerand's insistence upon the duty of the Prefects in firmly establishing the authority of the Decrees indicates the importance of these officials in the administration of French social legislation, an im-



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portance which was emphasized by the administrative Decree on the national social insurance Act of April 5, 1928. The Prefect is the nominee of the Minister of the Interior and is the most important of the local officials, occupying a double position, for he is the agent of the central government in regard to general administration, and at the same time he is the executive officer of the department for local affairs.

The original Decrees of August 10, 1899 were amended by the Decrees of July 13, 1923,<sup>8</sup> which introduced compulsorily the much-favoured Government principle of family allowances in the contracts of the state departments and municipalities, and for public charitable institutions.

The administration of the Millerand Decrees was made difficult by the fluctuating currency of France after the war. The Ministry of Labour by two Circulars of December 16, 1925 and April 1, 1926, sought to aid the Prefects in the administration; and after the stabilization of the franc in December 1926, special instructions were issued October 21, 1927 for guidance in revision of the wage-tables. This revision was done by the various departments since 1925, and at the end of 1928 most of the departments had made the necessary revision to meet the changed living conditions following the war.<sup>9</sup>

### 2. *Labour Councils.*

The Decrees of August 10, 1899 had laid down a policy which the Government further elaborated in the Decrees of September 17, 1900 and January 2, 1901, establishing Councils of Labour (*Conseils du Travail*).<sup>10</sup> The Superior Labour Council (*Conseil Supérieur du Travail*) had been created by Decree in 1891, and this method of instituting reforms in social legislation was again followed by M. Millerand. The policy of the Ministry of Commerce and the Government was indicated by these Decrees and it was plain that Millerand was attempting to make syndicates the basis of social reform. The use of industrial associations and organizations of employers and

<sup>8</sup> Article I, clause 5 of Decrees of August 10, 1899.

<sup>9</sup> Cf. *Bulletin du Ministère du Travail et de l'Hygiène* [B.M.T.], 1928, pp. 293-300, "Application des décrets du 10 août 1899 en 1926 et 1927"; and *B.M.T.* 1926, pp. 160 ff. "Application des décrets du 10 août 1899 (1919-1924)."

<sup>10</sup> Dalloz, *Code du Travail*, pp. 191-184; Decrees published also in *Journal officiel*, September 18, 1900 and January 5, 1901.

employees with regard to drafting labour legislation has been greatly increased since the war, but the beginnings in France go back to these Decrees. The Report to the President of the Republic preceding the first Decree stated that the principal work of the Labour Councils should be to inform the Government, the employers and workers of the actual conditions of employment, to promote general agreements between interests, and to furnish in case of conflicts, competent mediators to bring forward the good officers of the *Conseils de Prud'Hommes*. The Report declared that in spite of the hierarchical organization of industrial establishments, which was necessary for discipline, it should be possible for the employers and workers in the same industries and in the same territory to engage in free discussion of their separate and their common interests. The Government by earlier legislation intended to make this possible, and it was all the more necessary on account of the position of the isolated employee and patron that a means of consultation be found. The Government found the remedy in the syndicates. "To encourage by all means the formation of these corporate associations," the Report continues, "so useful in the progress of social peace, is a task which ought not to be neglected by a Republican Government." So these later Decrees carried forward the work of unifying the administration of the earlier Decrees; the purpose being that "of giving the syndicates a part in the Parliament of Labour, the Superior Labour Council." "In helping direct to safety the workers who wish to emancipate themselves," the Report concluded, "we say 'organize yourselves'." The Government thus made plain its friendly purpose.

The Labour Councils were regionally organized, and, for the districts they represented were to determine the rate of wages and the duration of the working day, governing the contracts made in the name of the state. They were to study unemployment and measures of relief; report to the proper administrative bodies on the distribution and expenditure of public funds to trade organizations; report on the administration of laws and decrees, and make recommendations of change or improvement in labour laws.<sup>11</sup> The legality of the Decrees was questioned, because they gave the right of public power to purely private organizations, a contradiction of the individualistic Act on trade unions of 1884; and they were attacked also on the ground that they violated the right of universal suffrage,

<sup>11</sup> See Article 2, clauses 1-6 for prescribed duties.

because the professional syndicates were the basis of the electoral system in the Labour Councils. Millerand replied to these objections in the Chamber of Deputies, November 22, 1901, and in a decision of February 19, 1904, the legality of the Decrees was settled by the *Conseil d'Etat*; the plea of the syndicates opposing was rejected and the Decrees instituted to carry out the work of the *Conseils du Travail* declared legal.<sup>12</sup> The Act of March 25, 1919, respecting collective labour agreements and the Act of March 12, 1920, respecting the extension of civil capacity of industrial associations were legislative vindication of these Decrees which were issued at the beginning of the century. But at the time the Labour Councils were distrusted by workers and employers. The Senate passed the bill of Senator Berenger, providing for election to the Councils on a non-syndical basis and that they should have only a consultative function, and this resulted in the Chamber of Deputies refusing to consider the Senate bill in the Commission on Labour.<sup>13</sup> The opposition forced the Government to allow the Decrees to become almost a dead letter. But a later concession, the law of July 17, 1918,<sup>14</sup> completed by the administrative Decree of May 10, 1909,<sup>15</sup> constituted Consultative Labour Councils (*Conseils Consultatifs du Travail*) and the rules of their administration, confirming the principle which the original Millerand Decrees set forth.<sup>16</sup> The Decrees of 1900 and 1901 provided that members of the Labour Councils should be elected in equal numbers on both sides, by the employers' syndicates and the workers' syndicates, which made the associations the official representatives of the various trades. It was this marked advance in social legislation that brought out determined opposition, yet the principle was sanctioned in the Act of 1908, which provided that the Consultative Labour Councils were to be composed of an equal number of employers and workers, and their chief duty is to further the moral and material interests of the trades they represent and to aid the

<sup>12</sup> Cf. *Bull. Office du Travail* [B.O.T.], March 1904, pp. 222-223.

<sup>13</sup> See *J.O.*, Nos. 198, 224 and 462, 1901, for the discussion.

<sup>14</sup> *Code du Travail*, Book IV, art. 129-133; and *B.O.T.*, June 1909, p. 691.

<sup>15</sup> Dalloz, *Code du Travail*, pp. 226-229.

<sup>16</sup> See *Rapport* by Committee on Labour (M. Dron), on the *Conseils Consultatifs du Travail*, providing a history and giving the attitude of the *Commission du Travail* to Labour Councils (*J.O.*, June 30, 1908, pp. 632-636); *Doc. Parl.*, No. 1858; also *Appendices* in Octave Noel's *Le Socialisme et la Question Sociale* (1902)

Government by carrying out investigations.<sup>17</sup> At first the Councils were advisory bodies, but the Minimum Wage Act of 1915,<sup>18</sup> gave them the power of determining the minimum wage in their respective districts.<sup>19</sup>

Millerand intended the Acts and Decrees of the Government to be an answer to his opponents who said that "the socialists are men of violence, incapable of using other means for the triumph of their ideas than brutal revolution; socialists are those dreamers hypnotized by the chimerical construction of an utopian society; socialists are those who are creators of hate and civil war, occupied only with fomenting the struggle between classes."<sup>20</sup> Millerand declared that socialism was intent upon the absorption and disappearance of all classes in a regenerated humanity; that the collectivist programme, justifying itself, was becoming more and more each day realized; and, finally, that the "so-called revolutionists were the first to show the example of respect for law and confidence in universal suffrage." Before the first session of the *Conseil Supérieur du Travail*, on June 5, 1900, M. Millerand said that the working-men were henceforth warned that in order to participate through delegates elected from their own ranks in the elaboration of economic reforms which concerned them most, it was necessary and sufficient that they enter the ranks of the great army of which the syndicates were the battalions. "How can they refuse to do this?", he asked. "By inducing them to do so we believe that we are defending their legitimate interests at the same time that we are serving the cause of social peace in this country."<sup>21</sup> This was confirmation of his speech outlining the policy of the Government in the Chamber of Deputies, November 23, 1899, when he said that the best means of bringing back the working masses to the Republic was to show them by facts, not by words, that the Government of Republican support was above everything else the Government of the small and the weak.

The collaboration of trade unions in the enforcement of labour legislation is a recognized part of the function of these associations now, but Millerand was an early advocate of this important duty. A Ministerial Circular of the Ministry of Commerce and Industry

<sup>17</sup> Article 1 of the law of 1908.

<sup>18</sup> *Code du Travail*, Articles 33-42, Book I, Section I (Act of 1915).

<sup>19</sup> Art. 33 e, f, g, of the law of 1915.

<sup>20</sup> Millerand, *op. cit.* (Lavy), p. 399.

<sup>21</sup> *Ibid.*, p. 66.

issued on January 19, 1900, requested the divisional factory inspectors to solicit the collaboration of the workers' organizations, unions and federations alike, in their work of supervising the enforcement of protective labour legislation. This official action was the precedent relied upon by the French Section of the International Association for the Legal Protection of the Workers in 1909 requesting the Minister of Labour to secure the regular collaboration of workers' organizations with the factory inspectors in the detection of infringements of the law regulating the conditions of labour, and asking that factory inspectors be required to bring to the notice of the workers' and industrial organizations concerned in their districts all administrative rules immediately these are authorized, and to keep a note of the observations submitted by these organizations.

The Act of June 21, 1924, forming Section IV of the Labour Code, codified the laws relating to the jurisdiction, powers, organization, election, etc., of Labour Councils, and more clearly defined the functions of conciliation and arbitration, together with the principle of occupational representation, *i.e.*, joint councils of employers and workers.

### 3. *The French Superior Labour Council.*

In introducing the new institution of Labour Councils where employers and workers in the same territory could freely discuss their respective general interests and their corporate interests, the Decree stated that the Government remained faithful to its rôle of peace-maker and arbiter. The Government intended the *Conseils du Travail* to serve as the local institutions, and for the national or the central consultative body the Superior Labour Council was to be reorganized. Together these bodies were to co-ordinate the plans and put into operation the schemes of social amelioration and labour organization to which the Government had committed itself in the Decrees of August 10, 1899.

The Ministerial Decrees <sup>22</sup> of September 1, 1899, entirely modify-

<sup>22</sup> *J.O.*, September 2, 1899; the Decree of March 14, 1903, abrogated the Decrees of January 22, 1891, June 9, 1892, September 1, 1899, October 20, 1900, and March 23, 1902; later the constitution of the Superior Labour Council was dealt with by the Decrees of January 29 and August 4, 1904, June 24, 1907, April 30, 1909, October 27, 1911, July 1, 1913, and April 22, 1919, all of which were repealed by the Decree of January 31, 1921, reorganizing the Superior Labour Council, *J.O.*, February 5, 1921, p. 1640, and amending Decree of November 13, 1922, *J.O.*, November 30, 1922, p. 11438.

ing the Superior Labour Council, was an important indication of the policy of the Government with regard to industry and social legislation. The creation of this advisory body of study and information dates back to the Decree of January 22, 1891, by the Ministry of Commerce. It had not been of much importance, as its sixty members were nominated by the Minister, with the exception of ten ex-officio members of the Council permanently attached. The members served for two years; the Council had no fixed time of meeting, its sessions being called by the Minister who determined the objects of the meetings and their duration. There had been lively objection on the part of the labour leaders to the exclusion of the elective method in choosing the Superior Labour Council; and the Minister of Commerce in 1893, attempted a reorganization of the Council, with a view of including by election representatives of the workers and employers. The reform of the Council in its system of membership was voted by more than one hundred majority in the course of the debate on the Budget of 1899. Thus the Government was given the opportunity to make a complete change in the Superior Labour Council.

M. Millerand briefly traced the existing organization of workers and employers associations in France, in the Report to the President of the Republic (a form the Decrees follow as Decrees are by Presidential order), outlining the re-constitution of the Superior Labour Council and interpreting the aim of the Ministry in the application of the Decree. He referred to the influence of the annual Trade Union Congresses in England, and also the important function of the Royal Commissions in providing information for the Government. He hoped that by the work of the Permanent Committee of the Council the Superior Labour Council would occupy the same place in France. The Permanent Committee, by the Decree of 1891, was set up under the Ministry of Commerce, but the Decree of 1899 placed it under the control of the Council as a whole; it has a most important part to take in the Superior Labour Council and is considered below. The immediate problem for the Government was to initiate the system of election to the Council. M. Millerand declared that "universal suffrage ought to be everywhere, in the last resort, the master of public opinion," but he had found it best to take professional associations as the basis of organizing the system of selection, for both workers and employers had corporate organi-

zations that could be made to function as election groups. The unorganized French Labour movement at this time is revealed in the Report's admission that only 500,000 of the workers were represented in the syndicates, yet it was pointed out that it would be very simple for all workers who wished to be represented to organize syndicates of their own, if they did not care to join any of the existing ones. "The Government of the Republic would certainly rejoice to see the workers in greater and greater numbers enjoy the rights conferred by the law of 1884," it was added. It is significant that Millerand in the Report assured the President that the syndicates would not see in the measures of necessary organization for selection of members any indiscreet curiosity into their private affairs or any distrust of their development. But on the contrary it would be a fresh gauge of progress both for the nation and for the syndicates, that they had been called on to collaborate more definitely, through their membership and professional organization, in a clearly defined economic function.

The Report stated further that the experience of the old Superior Labour Council had shown that it was wise to have members who were not of the "corporate interests", but represented "general interests." This made possible the maintaining of an equilibrium between the two interests of workers and employers which was an essential condition of the functioning of the Permanent Committee on which both were equally represented. The Permanent Committee, then as now, had two presidents, one from the workers' and one from the employers' associations, presiding in turn. The Superior Labour Council as re-constituted by the Decree of 1899 consisted of 66 members: 22 delegates each from the organizations of workers and employers, as fully representative of their corporate interests in France as was possible; and 22 members from official bodies: the Paris Chamber of Commerce, the *Bourse du Travail*, professors of the University of Paris, economists and jurists with special competence. M. Millerand, as Minister of Commerce and Industry, had the right to appoint four members, and his selection indicated the importance he placed in the work of the Superior Labour Council; his appointees, Mme. Bonneville, a prominent woman socialist and trade unionist, Professor Raoul Jay, professor of industrial legislation in the law faculty of the University of Paris, M. Victor Legrand, president of the *Tribunal de Commerce de la*

*Seine*, and M. Jaurès, the parliamentary leader of the Socialist party in France.

The major duty of the Labour Councils and the Superior Labour Council as seen by Millerand was to advise the Government and the parties concerned on the industrial questions for which all shared a common responsibility and which had to be settled by common effort. There was little need for argument on the necessity of creating competent agencies to aid in the work of conciliation and arbitration. Millerand pointed out that the law of December 29, 1892, had not accomplished what had been hoped for in bringing together employers and workers for an amicable settling of disputes. But by the general authority of the Superior Labour Council and the specific power of the Labour Councils in their capacity as agents of conciliation, and under the direction of the two interested parties, it was hoped that a new spirit of self-control might be introduced in the collective agreements of the syndicates.<sup>28</sup> These two Councils as bodies with advisory and administrative attributes possessed for the state a great importance and established in French Labour legislation a new principle of collaboration among the workers and the employers and the government. This was the interpretation that was early given the new institutions by MM. Millerand and Jaurès. They saw that the evolution of modern industrialism demanded from the state and from an organized Labour movement a different answer than given by the early Radicalism or the early propaganda of Socialism. They aimed at the beginning of the century to direct the opinion of men to the new forces which were shaping the economic order, and to make the struggle for control a parliamentary struggle. The economic movement had to be met, for there was a tremendous undercurrent of opinion in the ranks of capitalists and workers which was soon to sweep away many old landmarks of French economic development. M. Millerand for a time took what refuge a government could in the attempt at political action and in the use of expert counsel by the state. "The conditions of work," he

<sup>28</sup> Cf. A. Millerand, *Politique de Réalisations* (1911), pp. 21-26, 150-151, for views of author of the Decrees eight years after the Waldeck-Rousseau Ministry on their purpose and significance; also pp. 17-30, 140-152. Cf. Georges Renard, *Discussions sociales d'hier et de demain* (1910), and his *Syndicats, Trade-Unions et Corporations* (1909) for friendly estimate of Millerand's reformistic policy; and Gabriel Seailles, *La Philosophie du Travail* (1923), pp. 136, 362-393.



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said, "become with the development of machinery and transportation more and more complex; and called daily to intervene for the legal protection of the workers, the Government has need of being informed by important groups, which in their composition assure a competence and a special authority, and to whom it is possible to give certain problems, asking their counsel with the certainty of truthfulness and impartiality." The reasons behind economic collaboration by all groups was thus well stated, and the words are applicable to the Superior Labour Council of today. The history of this institution is given in detail because it helps to explain the development of the French Labour movement in this century.

It was the intention of the Government to make the Permanent Committee of the Superior Labour Council the directing power of the new institution. Under the original Decree of 1891 it had been controlled directly by the Minister of Commerce and Industry, who named its president, the result being that it had little initiative and no independence. By the Decree of 1899 the Permanent Committee of the Superior Labour Council was composed of 22 members: 7 delegates each from the workers and employers represented in the Superior Labour Council; the Senate and the Chamber by a delegate each; the president of the Paris Chamber of Commerce; the vice-president of the advisory council of the Paris *Bourse du Travail*; a representative of the advisory commission of the workers' co-operative associations; and three officials of the chief public services of France. This was a permanent economic committee set up by authority of the state, which elected its own presidents, carried on investigations, issued reports on legislation, studied problems of administration, and prepared for the Council the agenda of the full sessions. In turn the Government depended upon the Superior Labour Council for its policy of social legislation, and this was a policy which had to be defended in the Chamber of Deputies. Enquiries were to be conducted by the Permanent Committee at the request of the Ministry of Commerce and Industry, on existing laws, relations between workers and employers, the causes and circumstances of strikes, and all problems affecting the organization of labour and industry. "The Superior Labour Council," said Millerand, "thanks to the work of the Permanent Committee, will be able to perform the function of the great Royal Commissions of England which study and investigate with painstaking care the problems of

the world of labour." The example of England in its industrial organization and in its method of carrying on parliamentary investigation had led M. Millerand to expect good results from a national advisory council and its Permanent Committee of study and investigation placed at the service of the Government.

A series of Circulars were sent to the Prefects and to all syndicates of workers and employers, giving complete instructions on procedure of election for the Superior Labour Council. It was to meet annually, but special sessions might be called by the Minister of Commerce and Industry. The first session<sup>24</sup> of the reorganized Superior Labour Council was given to a study of the proposals for new legislation on the *Conseils de Prud'Hommes*, modifications which were carried out in the law of February, 1901; and by the Acts of March 27, 1907, and July 3, 1919 the aim of many years of agitation for broader powers to the probiviral courts (*Conseils de Prud'Hommes*) was realized. This session also committed to the Permanent Committee three subjects of enquiry (a custom continued in the Superior Labour Council): (1) municipal and syndical organization against unemployment; (2) conditions of work among persons not protected by existing legislation; and (3) special study of the principles of arbitration. The importance of the second subject was recognized by the Superior Labour Council pronouncing in favour of the intervention of law to assure the health and security of workers and the limitation of the hours of work for women and children and men.<sup>25</sup> It voted that the law of June 12, 1893 on the health and security of workers, the basic law in France, and all the Decrees which laid down its administration; the law of November 2, 1892, on the work of women and children; and the law of March 30, 1900, on the ten hour day, should apply to all the workers under consideration—i.e., in commercial establishments and small shops. This advance position taken by the Superior Labour Council marked an important development in state interference in France, beginning an extension of protective Acts to all workers.

<sup>24</sup> 9th Session, 1900, *Enquête sur la législation des conseils de prud'hommes*. Cf. André Marnet, "La Reforme des Conseils de Prud'Hommes," *Le Mouvement Socialiste*, April 1, 1901, pp. 401-416; and for a critical review of the June, 1901 meeting of the Superior Labour Council, see *Le Mouvement Socialiste*, October 1, 1901, pp. 418-430.

<sup>25</sup> See Reports of the sessions of 1901 and 1904, the Tenth and Thirteenth Sessions.

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The first session of the reorganized Superior Labour Council further agreed that a weekly day of rest should apply to all workers, in principle, Sunday ; that the opening and closing of business houses should be determined by two-thirds of those concerned, enforcement to be in charge of the commune or department police officers, an administrative feature of the English Shop Acts ; that the requirements of the office of inspection be shown in detail in each establishment, so that in the future the supervision of the inspectors might be more effective. The Superior Labour Council also asked for the extension of legislation on apprenticeship, the bringing of all commercial establishments within the provisions of the law ; and the study of the complete revision of the law on that subject was given to the Permanent Committee. It is most interesting to note that the programme of the Permanent Committee of the Superior Labour Council for 1929 included two of the subjects which were considered in 1900, "Extension of the contract of apprenticeship" and "Uniformity in posting texts of laws and regulations in workplaces." This at first might indicate that little progress has been made, but it means rather that legislation is constantly changing, reforms soon becoming obsolete and there are additional improvements made possible by progressive amendments to Acts. The legislation in the early years of this century dealing with the *Conseils de Prud'Hommes* and the laws of apprenticeship are illustrations of this fact, as their record in Parliament quickly reveals. The Superior Labour Council provided at the critical time of French social legislation a leadership in social investigation,<sup>28</sup> and this leadership has not failed since that time to direct the attention of the Government to its work of social welfare. It is significant of the prestige of the Superior Labour Council that as early as 1904, in the debate on November 30 on the Budget, M. Vaillant offered the Socialist resolution for the Permanent Committee of the Superior Labour Council to consider the problem of unemployment and the Chamber of Deputies voted favourably.

### 4. *Existing Organization of Superior Labour Council.*

The importance of the Government proposal of 1899 and the official sanction it gave to the representation of interests, is indicated

<sup>28</sup> The first enquiries of the Permanent Committee and the sessions of 1903-1904 are recorded in *Bulletin de l'Office du Travail*, 1903, pp. 826, 990 ; 1904, pp. 325-328, 363, pp. 1056-1063.

in the history of the Decrees which reorganized from time to time the Superior Council of Labour. They are the Decrees of March 14, 1903, January 27, 1904, June 24, 1907, April 30, 1909, July 1, 1913,<sup>27</sup> and the last important reorganization Decree of January 31, 1921.<sup>28</sup> The Decrees of November 13, 1922, June 9 and October 14, 1924 dealt only with permanent date of meeting and expense allowances. The administration of the Superior Labour Council as a national social research body has year by year been more effective and its influence in consequence has been greater. From time to time it has considered its own composition as in 1902 and 1907, and in the sessions of 1923 and 1926 when representation of intellectual workers upon the Council was discussed. A comparison of the Decree of 1899 with the Decree of 1921 suggests the value of putting upon the statute book sound principles of social legislation, for if the first gains are considered very small there is cumulative value in every Act which is serviceable in organizing the needs of the workers. The Superior Labour Council in the past thirty years has given new power to the ideal of national interest, and its work has shown that this community of interest can be promoted by groups co-operating in industry and government.

The present constitution of the *Conseil Supérieur du Travail* may now be given, the background of its work having shown the unique place it fills in French social legislation. The Superior Labour Council is only a consultative and advisory institution, "a national mixed syndicate," Millerand described it, possessing technical skill and special competence in dealing with problems which relate to the interests of each group and the whole country. Yet there has not been since 1891 an important project dealing with social legislation which has not been first discussed and studied by the Superior Labour Council before the debates were begun in the Chamber of Deputies.<sup>29</sup> The Government has first submitted to the Superior Labour Council the proposed legislation dealing with a special subject, and this has been official recognition of its duty to inform itself on the interests of industry, that it might with usefulness fulfil its mission in the

<sup>27</sup> See Dalloz (1923 edition) *Code du Travail*, pp. 137-144, for Decrees down to 1921, allowing convenient comparison.

<sup>28</sup> *J.O.*, February 5, 1921, p. 1640; Dalloz, *Code du Travail*, pp. 496-502, the existing administrative rules dealing with Superior Labour Council, and including provisions of all the Decrees in force.

<sup>29</sup> Pic, *op. cit.*, p. 113; Bry-Perreau, *op. cit.*, p. 696.

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work of social co-operation. The Minister of Labour, M. Loucheur, before the thirty-second session of the *Conseil Supérieur du Travail* in November, 1928, gave a convincing demonstration of the place of the Council before Parliament and the Government.<sup>80</sup> He illustrated this by citing the fact that in 1925 the Superior Labour Council asked for modification of the law dealing with labour contracts, which was granted by the law of July 19, 1928, modifying articles 19 and 23 of Book I of the Labour Code. In the same year the Council asked for extension of the legislation dealing with home-workers, which the Government accepted and the *projet de loi* was passed March 13, 1928 by the Chamber and is now before the French Senate. The Superior Labour Council asked in 1926 that the age of children in industry be raised, and the law of June 30, 1928 was the result; and at the same session additional labour inspectors were strongly urged, and M. Loucheur pointed out that in the Budget of 1929 debate ten new inspectors were promised by the Government and provided for in the estimates. This was repeated in the Budget of 1930 debate.

The president of the Superior Labour Council is the Minister of Labour, and the chief secretary of the Labour and Pensions for Workers and Peasants divisions are permanent members of the Council, having a right to take part in the discussion but not in voting. Each Minister may likewise appoint a responsible head of a division (*chef de service*) by agreement with the Minister of Labour to take part under the same conditions in discussions of special interest to his department. At the present the Superior Labour Council is composed of 78 members: the employers and workers each electing 32 delegates; while the 14 remaining members include three senators elected by the Senate, five deputies elected by the Chamber of Deputies, one member designated by the Paris Chamber of Commerce, two delegates from the Superior Co-operative Council, representing the two sections, Production and Consumption, and three members chosen by the Minister of Labour from the Institute and the professors of law of the University of Paris. The Superior Co-operative Council was instituted by the Decree of February 22, 1918, to unify and carry out the laws of December 18, 1915, on the *Sociétés Co-operatives Ouvrières de Production*, and of May 7, 1918, on the

<sup>80</sup> Cf. *B.M.T.*, Nos. 10-11-12, Oct.-Dec., 1928, pp. 379-394, "Conseil Supérieur du Travail, session de 1928."

*Sociétés Co-operatives Ouvrières de Consommation*. It is evident that the Superior Labour Council is representative of French national life; is really, by virtue of its being an elective body, as representative as a national council on social legislation can be of the organized interests of industry and labour. This fact is evident when it is noted that the 32 members of the two groups of workers and employers are elected by a plan which insures representation of all important national interests. The employers group is divided into three sections: 22 delegates being elected by the members of the Chambers of Commerce and those of the advisory boards of arts and manufacturers (*Chambres Consultatives des Arts et Manufactures*); two agriculturists who are members of the Superior Agricultural Council (*Conseil Supérieur de l'Agriculture*), elected by the Council; and eight employers' representatives on the *Conseils de Prud'Hommes*. The 32 delegates elected by the wage-earning and salaried employees are divided into two groups, 24 delegates elected by the trade unions and 8 workers' representatives on the *Conseils de Prud'Hommes*. The 22 delegates of the employers and the 24 delegates of the workers represent as many divisions of French industrial organization, enumerated in articles 8 and 10 of the Decree of 1921. It is an interesting division of industrial France. The delegates from the *Conseils de Prud'Hommes* are selected from the five *Conseils de Prud'Hommes* in Paris (two members for each group), and from the Councils in France (six members for each group).

The Permanent Committee of the Superior Labour Council,<sup>81</sup> in whose activities the responsible heads of divisions take part, is composed of 19 members, 16 being elected by the Superior Labour Council, and three members *ex officio*, viz., the representative of the Paris Chamber of Commerce, and the representative of the Workers' Productive Associations and the Consumers' Co-operative Societies. The 19 elected members from among the members of the Councils shall include seven employers, seven workers, one senator, and one deputy. The Permanent Committee has the duty of carrying on studies in regard to general industrial conditions, the conditions of the workers, and the relations between employers and workers. This Permanent Committee presents its findings to the Superior Labour

<sup>81</sup> Article 18 of Decree of 1921. The Reports and Enquiries of the Superior Labour Council since its establishment will be found listed in the Appendix to this study.

Council and advises as to reforms that may be needed. At the request of the Minister of Labour it may also give its opinion on the causes and circumstances of a strike or a combination of employers. Either a single report may be submitted or a majority and a minority report, such as in 1922 on the social insurance law of the Government, and the reports form the subjects for the deliberations of the Superior Council. The Ministers of other departments than Labour often designate a division chief to take part in the sessions of the Permanent Committee in the work which particularly concerns their departments. The Superior Labour Council as a right elects delegates to sit on various Superior Councils, such as the Superior Councils on Workers' and Peasants' Pensions, Technical Education, and Professional Diseases. There is thus an interlocking directorate of competent advisers on the Superior Councils.

The French Superior Labour Council has been a pioneer in national labour councils, and it has been able to command the services of associative groups in a country where co-operation has been difficult to establish because of traditionally bad feeling between workers and employers. The Superior Labour Council has helped to create a common understanding among organized trade unions and employers associations in France, which even at this time has led to direct contacts between industry and labour when the state has not been the agent of bringing them together.<sup>82</sup> The influence of the Council is being felt strongly now in problems of social legislation enforcement, and the fact that representatives of the workers and employers and the central government can discuss together these matters helps to create unified policies in administration. The 1927 and 1928 sessions of the Superior Labour Council adopted resolutions with regard to the enforcement of industrial health and safety regulations, an improved factory inspection service and collaboration of workers in such supervision being the means recommended. This session of the Council went on record as favouring co-operation of joint committees in formulating measures for the enforcement of

<sup>82</sup> Cf. Etienne Villey, *L'Organisation Professionnelle des Employeurs dans l'Industrie Française* (1923), chap. III, pp. 231-305, esp. pp. 266 ff. on the Superior Labour Council. Cf. Joseph Barthélemy, *Le Problème de la Compétence dans la Démocratie*, chap. IV, sect. 2, pp. 231-234, "La Participation des non-professionnels aux fonctions publiques"; André Thiers, *La Politique de Demain: Administrative, Financière et Economique* (3rd ed. 1922), and *Administrateurs et Administrés* (1919).

social legislation, declaring that the measures to be taken to enforce, in any given occupation or district, the Acts relating to social welfare and labour protection, especially those dealing with health and safety, should be prepared with the help of joint committees or other bodies representing the associations of employers and workers in that occupation or district.

The French Ministry of Labour has placed on the agenda of the Permanent Committee of the Superior Labour Council the question of rationalization and scientific management in France. Two questionnaires have been drafted, one, of a general nature, addressed to trade organizations and Chambers of Commerce, and the other, more detailed and referring to certain particular undertakings, addressed to factory inspectors, who are instructed to carry out this part of the enquiry so far as their duties permit. In addition to this subject the programme of the Permanent Committee of the Superior Labour Council for 1929 was adopted as follows: (1) Extension of the contract of apprenticeship; (2) Hygiene of the housing placed at the disposal of their staff by industrial and commercial establishments; (3) Night work in certain home industries; and, (4) Uniformity in posting the texts of laws and regulations in work-places. There were resolutions on these subjects presented at the thirty-third annual session of the Superior Labour Council, November 18-22, 1929, and the Council adopted recommendations with regard to them. M. Loucheur, the Minister of Labour, proposed that the Superior Labour Council discuss in 1930 the following questions: compulsory provision by employers of housing for workers in districts where there is no accommodation; regulation of the conditions of work of managers of branches of multiple stores; and the responsibility of contractors carrying on public services.



## CHAPTER III

### FRENCH ADVISORY AND CONSULTATIVE INSTITUTIONS

The creation of advisory and consultative bodies at the service of the government marks the beginning of a new development in national social policy. The practical aid given by the Superior Labour Council to the French Ministry of Labour has been a distinctive characteristic of the social legislation of France since 1900. This advisory function was shared in France by two earlier agencies of consultation which have passed through many changes and which are in existence today. The Superior Council of Commerce and Industry (*Conseil Supérieur du Commerce et de L'Industrie*) and the Consultative Committee on Arts and Manufactures (*Comité Consultatif des Arts et Manufactures*) had for their duty the giving of expert advice to the government on matters of commerce and industry, the carrying on of investigations for the Ministry of Commerce, and the aiding of officials in formulating national policy with regard to trade arrangements with foreign countries. The Consultative Committee on Arts and Manufactures, created in 1791, but completely reorganized by the Decrees of October 18, 1880, March 8, 1884, and January 18, 1907, is a technical committee composed of 24 members and is attached to the Ministry of Commerce. Membership is not based on the elective principle; sixteen members are appointed by the Minister and eight are *ex officio*. The creation of the Ministry of Labour diminished the importance of this body so far as industrial questions are concerned. The Superior Council of Commerce and Industry dated its history from 1607; it was a central body representing all France, its membership being non-elective, named by the President in decree; and there were *ex officio* members. When the Ministry of Agriculture was established by the Decree of November 14, 1881, separate from the Ministry of Commerce, two Superior

Councils were formed. The Decree of October 13, 1882 established the Superior Council of Agriculture (*Conseil Supérieur de l'Agriculture*), and the Superior Council of Commerce and Industry (*Conseil Supérieur du Commerce et de l'Industrie*). This latter Superior Council was divided into two sections on commerce and industry; and by the Decree of July 3, 1894 a Permanent Consultative Committee of 24 members (*Commission Consultative Permanente*) was formed. Upon the basis of this old Superior Council of Commerce and Industry, M. Loucheur, Minister of Labour, by the Decree of May 22, 1924, set up the Superior Consultative Committee on Commerce and Industry (*Comité Consultatif Supérieur du Commerce et de l'Industrie*). His successor at the Ministry of Labour, M. Raynaldy, organized this Consultative Committee by the Decree of July 9, 1924, and the first session was held in August of that year. The membership is large, being 120 rather than the 64 of the old Superior Council, and the members are named by the Minister. What M. Pic terms its constitutional defect <sup>1</sup> (*vice organique*), the non-elective principle for members, led M. Jouhaux, secretary-general of the C.G.T., and M. Poisson of the *Confédération des Coopératives*, and others, to decline appointment. At the first session three divisions were constituted, commerce, industry and economic interests, the commerce division having three sub-committees. The division on industry has been primarily concerned with the negotiations between France and Germany on the establishment of commercial relations. When the Superior Labour Council in its session of 1927 recommended that workers' delegates should be appointed in dangerous or unhealthy industries, it declared that the industries in which such delegates are to be appointed should be indicated by public administrative regulations after consultation with the Consultative Committee on Arts and Manufactures and the Superior Consultative Committee on Commerce and Industry and the trade organizations affected. The official recognition of these advisory bodies has been often confirmed, and their representative function is established. The Decrees of the Ministry of Labour with regard to organization of labour inspection were issued upon the advice of the Consultative Committee of Arts and Manufactures and the Superior Labour Council.<sup>2</sup>

<sup>1</sup> *Op. cit.*, *Supplément à la 5e édition* (1925), p. 6.

<sup>2</sup> *Code du Travail*, Livre II, Titre I, Art. 101.

The close relation between the consultative agencies and the administration of legislation is illustrated by the reorganization of the Superior Council of Agriculture by the Decree of March 11, 1922.<sup>3</sup> This Superior Council was reorganized by M. Henri Chéron, Minister of Agriculture, when Chambers of Agriculture (*Chambres d'Agriculture*) were established and created by the Act of October 25, 1919, and the Decrees of December 25 and February 3, 1920. This law was abrogated by the new law of January 3, 1924, which applied the principle, and in February 1927 the first elections for the Chambers of Agriculture were held. The Act established a Chamber of Agriculture in each department, and made the chief town of the department the seat of the Chamber. The Minister of Agriculture found that the work of the Superior Council of Agriculture, which had heretofore been regulated by the Decrees of July 15 and October 28, 1913, could be made more definite in view of the organization of the Chambers of Agriculture. The Chambers of Agriculture by this Act became the responsible advisers to the government and to the department on all questions connected with agriculture, and the administration of this Act may have far-reaching results in the social and economic life of France. Their powers are very broad in the sphere of agriculture.<sup>4</sup> M. Chéron in his report to the President, stated that the greater part of the recommendations of the Chamber of Agriculture would be sent to the Superior Council of Agriculture for examination, and this required a modifying of its membership to include adequate representation of the Chambers of Agriculture. The Supreme Council is composed of 80 members, half of this number being elected and the other half nominated by decree; and there are 80 corresponding members nominated by decree. The elected members are designated by the Chambers of Agriculture, and the members nominated by decree, both groups serving for three years, are selected from the following four categories: members of Parliament, representatives of agriculture organizations or societies, agricultural experts, and experts in economics as applied to social questions or agriculture.<sup>5</sup> There is a permanent committee constituted from the body of the Council, consisting of 20 members at most, of whom ten are designated by the

<sup>3</sup> *J.O.*, March 15, 1922, pp. 2944-5.

<sup>4</sup> See Articles 25-51 for duties and powers of Chambers of Agriculture.

<sup>5</sup> Article 3 of Decree of March 11, 1922.

Minister and ten are elected by the Council at the first session of each triennial period. This Superior Council reflects the prevailing tendency in French social legislation with regard to advisory bodies, for the elective principle is in part maintained and there is representation of interests. The duty of the Superior Council of Agriculture, especially through the permanent committee, is to give advice upon any problem affecting French agricultural interests; and in a nation of millions of agricultural workers the social significance of collaboration is of importance.

#### NATIONAL LABOUR SUPPLY COUNCIL

The supply of labour has become a national problem in France since the war, especially has there been a shortage of skilled labour in certain industries, and in agriculture. The problem was first met by the creating of a National Labour Supply Council (*Conseil National de la Main d'Oeuvre*), through a Decree of the Ministry of Labour, February 3, 1920.<sup>6</sup> The duty of the National Labour Supply Council was to advise the government on questions connected with the recruiting and placing of French and foreign labour. The Council was reorganized by the Decree of April 7, 1925,<sup>7</sup> and attached to the Prime Minister's department; and the Prime Minister, the Minister of Labour, and the Minister of Agriculture were made responsible for the administration of the Decree. The Decree declares the duty of the National Labour Supply Council shall be to advise the Government on measures to promote the following objects: (1) by co-ordinating the work of the employment exchange services to ensure the utilization and distribution of the available labour supply in the labour market, paying special attention to the requirements of agriculture, industry and commerce in the different districts; (2) to regulate and supervise the recruiting, introduction and conditions of employment of colonial and foreign labour.

The Decree provides that the employers' and workers' members shall be appointed by the Minister of Labour on the proposal of the central organizations of the occupational groups concerned, after consultation with the Minister of Agriculture with respect to the representatives of the agricultural employers and workers. Here

<sup>6</sup> *B.M.T.*, 1920, p. 1.

<sup>7</sup> *B.M.T.*, 1925, p. 71; *J.O.*, No. 85, 1925, p. 3675.

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again is official recognition given to the representative character of professional associations in the creation of a consultative agency of the government. The employers and workers in industry, commerce and agriculture are each represented on the Superior Labour Supply Council by six members and three substitutes. There are in addition on the Council, two senators, four deputies, and one representative each from the Ministries of Labour, Agriculture, Foreign Affairs, Colonies and Public Works and Transport. A Decree of November 30, 1926<sup>\*</sup> gave larger powers to the Council, including the power to set up a Permanent Committee and Secretariat to carry out the affairs of the Council during the interval of the two yearly meetings and to execute its decisions.

The wisdom of the government establishing a National Labour Supply Council can be seen in the policy of immigration which has been outlined, which has for its purpose the strengthening of France's economic position and the adequate protection of the immigrant and the French worker. The National Labour Council has studied the problem of rural depopulation in south-west France, and there is an active policy of the Ministry of Labour with regard to family immigration for the agricultural sections, and likewise provision for apprenticeship of French youths to skilled foreign workmen brought to France. The co-operation of workers' and employers' organizations with the government again justifies by its results the advisory institution in social legislation. The French government in 1920 wisely created the National Labour Supply Council, and the fact that when it again opened its frontiers in 1926, after the reorganization of the Council, stricter supervision and new principles were applied, is justification of the policy of collaboration. The first meeting of the National Labour Supply Council in 1929 brought out the fact that the year before there were 97,742 arrivals as against 53,759 departures, and that in 1927 and 1928 two-thirds of the foreign workers arriving in France were employed in agriculture.

### TRADE COUNCILS

Two outstanding developments in the French economic life since 1918 which directly interpret the changes which have taken place since the war, and yet which are related to the general progress of

<sup>\*</sup> Dalloz, *Code du Travail*, p. 784.

the Labour movement in this century, are the law of July 26, 1925,<sup>9</sup> creating Trade Councils (*Chambres de Métiers*), and the Decree of January 17, 1925, which set up a National Economic Council (*Conseil National Économique*).

The law of July 26, 1925, which established trade councils for artisans, both master workmen and journeymen, in the different departments of France, had been advocated for a long time in the French Parliament.<sup>10</sup> The law defines master workmen (*maîtres-artisans*) as workers of either sex who work at a manual trade either by themselves or with some member of their family, but do not work for an employer. The purpose of the law is to provide through the medium of trade councils a means of expression for this class of citizens analogous to that of other classes. Merchants and manufacturers can secure through the Chambers of Commerce, a hearing before the Government or Parliament, for the purpose either of registering complaints or giving technical advice, while the agriculturalists have a similar opportunity through the Chambers of Agriculture. The skilled workers, however, up to this law, had no means of representing their interests as a class and it was to remedy this situation that the law of July 26, 1925 was passed. Trade Councils, like Chambers of Agriculture, were recognized by the law as public bodies (*établissements public*), and as such were empowered to acquire property, receive gifts and contract loans on receiving authorization.

The law provided that trade councils shall be constituted in accordance with decrees, which may be issued by the Ministers of Labour, Commerce, and Public Instruction (the under-secretary in charge of technical education); these decrees to be issued after consultation with interested organizations of the district. Administrative regulations were issued by the Ministry of Labour, after consultation with the Ministers of Finance and Commerce and Industry, in the Decree of April 17, 1928.<sup>11</sup> There may be one or several trade councils in a department and each council may be divided into as many sections as seems necessary. The number of members of a

<sup>9</sup> Dalloz, *Code du Travail*, pp. 692-695. Cf. *B.M.T.*, Nos. 1925, pp. 113-117, 299-300, and *U.S. Monthly Labour Review*, vol. XXII, No. 1 (Jan. 1926), pp. 65-66.

<sup>10</sup> Cf. C. Caillard, *International Labour Review*, vol. 3, No. 3, September, 1921, pp. 239-260, "Trade Chambers in France."

<sup>11</sup> *J.O.*, April 17, 1928.

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trade council may not be less than 18 nor more than 36, except in Paris, where there may be as many as 72 members. The councils are composed of two-thirds master workmen and one-third journeymen; to be eligible for membership a person must be at least 30 years of age and have been actively engaged in his trade for at least five years, and if he is retired, for at least fifteen years. The departmental inspector of technical education, one labour inspector appointed by the Minister of Labour, and one representative of the departmental committee of technical education have the right to membership in the councils, but in a consultative capacity only, and associate members may be appointed from the list of those eligible for active membership who may take part in the meetings of the council but without a vote.

The duties of the trade councils are to protect the occupational and economic interests of the trades. With this in view the advice of the trade councils should be sought upon all questions having to do with the improvement or development of the artisan class. Trade Councils may also give advice upon such questions upon their own initiative. The councils are also by this law to participate in the organization of apprenticeship in the different trades. The departmental committees of technical education, provided for by the law of July 25, 1919, must each include four artisans appointed by the trade council concerned and there must be two such representatives on the local committees established in accordance with the terms of the same law. It is thus seen that French legislation again gave to occupational interests the responsibility of co-operation in administration of labour law.

### THE FRENCH NATIONAL ECONOMIC COUNCIL

The creation of the French National Economic Conference in 1925 marked the end of a quarter of a century of social legislation in France since the Decrees of Millerand in 1899 and 1900. The Decree of January 16, 1925,<sup>12</sup> constituting a National Economic Council, embodied many of the changes which had come in the opinion and the legislation of France. The principle of co-operation in industry which has been stressed with insistence since the war was given definite form in the French National Economic Council. The original

<sup>12</sup> *J.O.*, Jan. 17, 1925, p. 698.

Decree was supplemented later by the Decree of June 19, 1925, and Ministerial Orders of April 9 and June 19, 1925.<sup>13</sup> It was given legal sanction by the budgetary law, Section 134, of April 29, 1926, on condition that its final organization be determined by subsequent legislation. At the second session of the National Economic Council, M. Poincaré, Prime Minister and President of the National Economic Council, in his inaugural address took pains to impress the fact that Parliament had surrendered none of its rights to the National Economic Council. The definitive statute, he pointed out, was not yet passed, and while the experiment begun met with general satisfaction, it was necessary as soon as possible to consolidate by law the organization, "to fix with precision the functioning of your Council and to determine your exact role in the body of our republican institutions." Later in the year, November 19, 1927, the Government Bill was introduced in the Chamber of Deputies for the "institution, organization and working of a National Economic Council."<sup>14</sup> The purpose of the Bill which is now (1930) before the Chamber of Deputies,<sup>15</sup> is to prescribe the final constitution of the National Economic Council, determine its composition, regulate its working, and delimit its field of action. Before passing to the new Government Bill it is well to consider the Decree of 1925 which is the basis of the proposed permanent constitution of the French Economic Council.

The Minimum Programme of the *Confédération Générale du Travail*, as set forth by the National Confederal Committee in December, 1918, and approved by the Lyons Congress in September, 1919, called for the constituting of a National Economic Council. This Council was to be composed of representatives of different

<sup>13</sup> *B.M.T.*, 1925, p. 73 ff.

<sup>14</sup> *J.O., Chambre, Doc. parl.*, 1927, No. 5057.

<sup>15</sup> *J.O.*, June 29, 1928, *Chambre, Doc. parl.*, No. 325. Cf. Roger Picard, *International Labour Review*, vol. IX, No. 6 (June 1925), "The German and French National Economic Councils"; Georges Scelle, *Revue des études coopératives*, Jan.-March, 1925, pp. 109-124, "Le Conseil National Economique," and in *Revue politique et parlementaire*, Oct. 10, 1924, pp. 100-109; Maxime Leroy, *Annales de l'économie collective*, "Le Conseil National Economique de France," Jan.-March, 1926, pp. 4-10; H. Mazel, *Revue politique et parlementaire*, "Le Conseil National Economique," March 10, 1927, pp. 406-411. C. Lautaud and A. Poudeux, *La Représentation Professionnelle: Les Conseils Economiques en Europe et en France* (1927), pp. 1-78, with good bibliography, and Pic. *op. cit.*, pp. 107-129, 5-8 (1925), 8-10 (1928) Supplements.



economic groups which should have for its object the orientation of the political and social development of the country and the preparation of bills on economic and social questions to be presented to Parliament for enactment into law. M. Godart, Minister of Labour, appointed a commission, which held its first meeting in July, 1924, to make a study of the way in which "labour, its organization, its initiatives, its aspirations, and the public health which conserves and creates the essential riches of the whole country" should be represented on the Council. The Minister of Labour stated that this body was to be a consultative one, and would be the technical adviser of the Government and of Parliament on important economic problems. M. Jouhaux, secretary-general of the C.G.T., was in charge of the commission which decided that the council should be an autonomous body established through the collaboration of the different Ministers to study and seek for a solution of the economic problems of the country. It was further decided that the National Economic Council should have a certain right of initiative in relation to the public authorities, including the authority to bring the results of its deliberations before the Government and before Parliament. After the Cabinet considered the proposal and made minor changes, the Prime Minister, M. Herriot, presented it to the President for his approval. The French National Economic Council was then set up by Presidential Decree.

The Decree stated that the National Economic Council was constituted for the purpose of investigating problems connected with the economic life of the country, discovering their solutions and proposing to the public authorities the adoption of these solutions. The Council was attached to the office of the Prime Minister, and the expenses are met by credits entered in the budget of the Ministry of Labour. The French National Economic Council at present is composed of 47 members and 94 deputy members, representing the various economic and social factors of the nation, as follows: Nine representing the consumers and the general public, selected from consumers' co-operative societies and consumers' leagues, mayors' associations, users of the public utilities, and heads of families; 30 representing labour and industry—(a) intellectual labour and education, (b) management in industry, agriculture, commerce, transportation, the co-operative movement, and the public utilities, (c) salaried employees, *i.e.*, civil servants, technical workers, and general

labour in industry, agriculture, and transportation, and, (d) artisans in city and rural trades; and eight representing capital—(a) industrial and commercial capital, (b) real estate (city and rural), and (c) banks, the stock exchange, and insurance and saving funds. The Decree provided that the members of the National Economic Council shall be chosen in each class, by the most representative organization or organizations. These organizations shall be named by the Government, on the recommendation of the Minister of Labour, after consultation with the Ministers concerned. If the decision as to the most representative organization or organizations is contested, it shall be the duty of the National Economic Council to give a ruling. It is thus plain that the constitution of the French National Economic Council marked a definite advance in the recognition of the representative character of workers' and employers' associations. It was provided that when a question concerns an economic or industrial class not permanently represented on the Council, the National Economic Council for the purpose of investigating this question shall admit representatives of the class in question.

The term of office of the members shall be for two years and members must be French, at least 25 years of age, and in possession of full civil and political rights. Women are eligible under the same conditions as men. The Council shall meet regularly four times each year for ten days, and extra sessions may be called by the Prime Minister, who is President of the National Economic Council. A Permanent Committee of ten members shall be elected by the Council to take care of current matters between sessions and to insure the carrying out of decisions of the Council. A list of experts shall be established, appointed from the different government departments concerned, from the Superior Council of Labour and the Council of National Defence, and also including the French Government representative of the International Labour Office. It is significant that the Decree providing for direct consultation between the Prime Minister and the Council, likewise gave it power to require its executive officers, by a majority of two-thirds of the members present, to place on the agenda for the next session those questions which in its opinion are of economic interest either from a national point of view or because of their international bearing.

All Ministers, Under-Secretaries of State, High Commissioners, and the competent committees of the Chamber and the Senate, shall

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have the right to be represented at the discussions of the National Economic Council and of its Permanent Committee. The Council may likewise claim the right to be heard by the competent committees of either Chamber, as well as by the Ministers and members of the Government, and may require them to send representatives to its discussions or to those of its Permanent Committee in cases where they have not already appointed official representatives of their department. The proceedings and decisions of the Council are embodied in reports or recommendations and are published in the *Journal officiel*. Decisions reached by the Council must receive a two-thirds vote of the members present, and they shall be transmitted to the Prime Minister who will report them out within one month or ask to have the question reconsidered. The Government shall ask for information from the Council on all proposed laws of an economic nature, and shall transmit to the Economic Council for purposes of information all Bills of economic interest after these have been tabled. It is an interesting development of the advisory function in administration of social legislation, that the Decree provides that every Act of an economic nature may provide for the compulsory consultation of the National Economic Council for the purpose of drawing up the public administrative regulations necessary for carrying it out. The Prime Minister and the Ministers of Foreign Affairs, Labour, Public Health, Public Assistance and Social Insurance, Agriculture, Finance, Commerce and Industry, Public Works, and the Colonies, shall be responsible, each within his own sphere, for the administration of this Decree.

### PROPOSED PERMANENT CONSTITUTION

The Bill which the French Government introduced in the Chamber of Deputies on November 19, 1927 is the proposed permanent constitution of the National Economic Council. It was possible in two years for the Government to make a strong defence of the institution. The preamble to the Bill describes the services rendered by the Council since its creation, referring specially to the housing problem, unemployment, transport, agriculture, and the means of production. The Government declared there can no longer be any doubt of the value of the institution, the value and importance of the economic part it will be called on to play is self-evident, but its future depended on the definite approval of its organization. The Government found

it impossible to continue this interesting experiment unless it was sanctioned by the legislative authorities. The Government stated that in drafting the Bill it had been inspired by the lessons of the experience already gained, the discussions to which the organization of the existing Council had given rise, the criticisms which had been made, and the examples of other countries. The early post-war enthusiasm of "a Parliament of Labour" which would replace out-worn political parliaments was not in the intention of the French Government. The preamble to the Bill makes this plain. "Confirming the point of view which it has already advocated on several occasions, the Government maintains in a general way the Economic Council should in no respect become a Parliament, or even a trades chamber, and that it must in no way infringe on the prerogative of the representatives of the country, or government authority." The Government view was plainly that the importance of the new institution should instead be derived from the fact that the members are freely nominated by a number of large organizations and institutions, trade unions and associations, so that it may undertake not merely fragmentary and scattered enquiries, but research into general co-ordinated solutions of the problems before it.

The Bill re-defines the institution in terms of the 1925 Decree, and provides for the composition of the Council, its powers and its methods of working. It will be only necessary to point out here any changes between this Bill and the original Decree. The Government believes there is no advantage in keeping the two classes of members, at present the National Economic Council consisting of 47 full members and 94 deputy members, or 141 in all. The Bill fixes the number at 150, chosen first from among the organizations and bodies which take part in national production, then from among those engaged in exchange, distribution and transport, and finally those which represent the various forms of consumption. The following table shows the distribution of seats on the Council:

#### I. PRODUCTION:

(a) <i>For real property:</i>	<i>Number of delegates</i>
(1) Agricultural, represented by the Chambers of Agriculture . . . . .	3
(2) Industrial, represented by the Chambers of Commerce . . . . .	3
(3) Urban, represented by the Chambers of Land Owners . . . . .	2
Cheap housing undertakings . . . . .	1

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		<i>Number of delegates</i>
(4)	State property, represented by the Departments of State Lands, and Waterways and Forests . .	1
	Total . . . . .	10
(b)	<i>For raw materials, machinery and motive power:</i>	
(1)	General Confederation of Agricultural Associations . . . . .	2
(2)	Trade organizations of the various branches of agriculture . . . . .	12
(3)	General Confederation of Industrial Production . . . . .	2
(4)	Trade organizations of the various branches of industry . . . . .	12
(5)	State manufactures . . . . .	2
	Total . . . . .	30
(c)	<i>For labour in production:</i>	
(1)	General confederations of workers in agriculture and industry . . . . .	4
(2)	Agricultural workers . . . . .	10
(3)	Industrial workers . . . . .	10
(4)	Artisans . . . . .	2
(5)	Producers' co-operatives . . . . .	1
(6)	Public employees . . . . .	2
(7)	Confederation of Intellectual Workers . . . . .	2
(8)	Engineers, scientists, chemists and lawyers . . . . .	6
(9)	Health and race improvement institutions . . . . .	1
(10)	Apprenticeship and technical educational institutions . . . . .	1
(11)	Institutions for immigration, emigration and placing in employment . . . . .	1
	Total . . . . .	40
	Grand total . . . . .	80

## II. DISTRIBUTION:

(a)	<i>For money and credit:</i>	
(1)	Banks of issue . . . . .	2
(2)	Credit, mortgage and deposit institutions . . . . .	2
(3)	Banks other than those of issue . . . . .	2
(4)	Exchanges . . . . .	1
(5)	Credit co-operative societies: Agricultural credit . . . . .	1
	Industrial, commercial and artisan credit . . . . .	1
	Total . . . . .	9
(b)	<i>For means of distribution:</i>	
(1)	Post, telegraph, telephone, wireless . . . . .	2
(2)	Press . . . . .	2
(3)	Public services . . . . .	2
(4)	Railway transport . . . . .	2
(5)	Road transport . . . . .	1
(6)	River transport . . . . .	1

	<i>Number of delegates</i>
(7) Sea transport . . . . .	1
(8) Air transport . . . . .	1
Total . . . . .	12
(c) <i>For commerce:</i>	
(1) Wholesale trade . . . . .	3
(2) Semi-retail and retail trade . . . . .	3
(3) Foreign trade . . . . .	3
Total . . . . .	9
(d) <i>For labour in distribution:</i>	
Organizations representing persons employed:	
(1) in credit institutions, exchanges and banks . . . . .	5
(2) in distribution and transport services . . . . .	8
(3) in commerce . . . . .	5
Total . . . . .	18
Grand total . . . . .	48

### III. CONSUMPTION:

(a) <i>For the general interests of consumers:</i>	
(1) Departments:	
(i) With a population of under 300,000 . . . . .	1
(ii) With a population of 300,000 to 500,000 . . . . .	1
(iii) With a population of over 500,000 . . . . .	1
(2) Communes:	
(i) With a population of under 2000 . . . . .	2
(ii) With a population of over 2000 . . . . .	1
(iii) Paris . . . . .	1
Total . . . . .	7
(b) <i>For private organizations of consumers:</i>	
(1) Consumers' co-operative societies . . . . .	2
(2) Consumers' Leagues; associations of leaseholders; tenants' organizations . . . . .	2
(3) Tourists' organizations . . . . .	2
Total . . . . .	6
(c) <i>For savings, mutual aid, and insurance:</i>	
(1) Savings banks . . . . .	1
(2) Mutual benefit societies . . . . .	2
(3) Insurance companies . . . . .	1
(4) Social insurance funds . . . . .	2
Total . . . . .	6
(d) <i>For State finance:</i>	
(1) Associations of taxpayers . . . . .	1
(2) Administration . . . . .	1
Total . . . . .	2
Grand total . . . . .	21

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The appointment of members remains the same as given above, except the term of office of members is fixed at six years, half the council being renewed every three years, and the members are appointed by the Prime Minister, rather than the Minister of Labour, after nomination. The nomination of workers' and employers' delegates is made by the most representative organization or organizations.<sup>16</sup>

The method of working of the Economic Council is enlarged and changes have been made which bring to the Council the participation of more private organizations, and the general interests of consumers is given fuller recognition. The mandate of the Economic Council is broader, and the official *projet de loi* is an evidence of the beneficial effects which have come from actual experience of the working of a national advisory body, and there are less objections because of legitimate interests being unrepresented. The changes may be briefly given. Any economic, financial or social question may be referred to the National Economic Council by the Government, which may invite it either to submit recommendations or to draft Bills or Decrees. It may be consulted by the Government on any Bills or Regulations drafted by the Departments concerned. It is thus an advisory body with large powers so far as freedom in consultation and influence on legislation are concerned. It may, on its own initiative, and with the consent of the Government, include in its agenda any economic problems on which it considers it expedient to submit recommendations to the authorities.

The constitutional changes affecting the administration of the National Economic Council are significant departures from the original Decree. The Bill provides that the Council will elect four vice-presidents (the Prime Minister remaining *ex officio* President) in a plenary assembly by an absolute majority of the members present, their term of office being fixed at three years. A general secretariat will be responsible for collecting information, and serving as a link between the various members of the Council, public services, and private organizations. It is provided that the National Economic Council will elect from among its members five permanent committees, comprising not less than 15 and not more than 25 members, to study questions relating to agriculture, industry, commerce and

<sup>16</sup> Cf. *Industrial and Labour Information* (International Labour office), vol. XXV, No. 1, Jan. 2, 1928, and No. 13, March 26, 1928.

transport, the organization of labour, and financial measures. Each of these committees will elect a president and two vice-presidents. The president and the vice-presidents of the five committees so formed, together with the four vice-presidents and the general-secretary of the Council, will constitute a Permanent Committee, responsible for co-ordinating the work of the committees, and undertaking urgent enquiries. This Permanent Committee shall further be responsible for preparing for the sessions of the Council, and, in the intervals between sessions, for supervising the working of the services of the Council and managing current business. The National Economic Council may further entrust to special committees, appointed from among its members, the study of the questions included in its agenda. In the intervals between sessions the Permanent Committee may take similar steps, provided that its action is ratified by the Council at the next session. There is thus provided the machinery of a continuous advisory institution for the French Government representative of the social, economic and financial life of the nation.

The Superior Councils set up in the Ministerial Departments are recognized in the new Bill, and the general secretaries of these Superior Councils may take part in the discussions of the Council and its committees. Similarly this applies to the general secretaries and directors of Ministries for matters coming within their competence; colonial labour is included by the provision that the Governor-General of Algeria, the Residents-General of Tunis and Morocco, may be represented at the sittings of the Council or its committees by delegates whose business it is to supply the Council with information on the questions within their competence. The discussions of the Council and its committees shall also be attended by two members of the Council of State, the Government delegate to the International Labour Office, the Director of the Paris Office of the International Labour Office, and the Director of Services of the general secretariat of the Superior Council for National Defence. Finally, the National Economic Council, the Permanent Committee, and the committees, may call on any person they consider useful to consult as an expert.

The National Economic Council in 1928 adopted a series of Reports submitted by authoritative writers, for instance on the problems of forests, by M. Carrier, Director of Woods and Waterways,



on the problem of roads by the President of the National Federation of Air Traffic and Transportation, M. Petiet, and on commercial aviation by a representative of the Northern Railway System. At this meeting of the Council it was stated that the Council had practically finished the enquiry into national equipment undertaken two years ago, and it was considered urgently necessary from both economic and social points of view, to carry out a further enquiry which would lead, through objective analysis of difficulties, requirements and possibilities, to a better understanding of the general problems to be solved, and would make it possible to arrive at general solutions. In each of the fundamental industries the National Economic Council proposes: (1) To determine the relations between production capacity, present production, and the demands and possibilities of further development of the foreign and home markets; (2) To make a comparative study of the state of competing industries abroad, the general conditions of production, with reference to raw materials (or products which form the raw materials of an industry), machinery, labour, social and fiscal charges, and credit, and proposals for the improvement of production in general, such as standardization, technical improvements, vocational training, scientific management, improved labour conditions, etc; (3) To investigate the relations between employers and workers, and especially elements which have favoured or impeded the development of collective agreements; (4) To study the conditions of marketing and all related questions, such as credits for home marketing and export, transportation, etc.

The National Economic Council from now on will devote its attention to three groups of general problems: (1) The national resources (including the colonies) in raw materials and power (coal, water-power, fuel, oils, electricity) and transportation (railways, roads, inland waterways, ocean and air); (2) Labour, with reference to the part which it plays in production, its efficiency, conditions of work, the social changes involved, the relations between employers and workers, and their organizations; (3) Taxes and fiscal charges affecting the economic life of the country, money and credit, exchange and consumption, and their adaptation to present needs.

The summary given above of the proposed work of the French National Economic Council from 1928 is almost an exact reproduction of the terms of reference for Lord Colwyn's Committee on

National Debt and Taxation, 1924-1926,<sup>17</sup> and the Balfour Committee on Industry and Trade, 1924-1929, in England. Since the war it has been necessary to estimate the industrial fabric in both countries and the changes which have taken place. It is too early to do anything more than record the reports and enquires of advisory and consultative bodies in both countries, but M. Pic's hope that the National Economic Council in France, if not a Parliament of Labour, may be a permanent institution of conciliation is in itself a worthwhile ideal. The National Economic Council furnishes also, as he points out, a means of knowing the repercussions among the various groups within the nation of social and economic reform.

#### ADVISORY COUNCILS AND SPECIAL COMMITTEES

The development since 1900 of advisory councils, called by M. Millerand "important groups, which in their composition assure a competence and special authority," furnish the best indication of the scope of the administrative work of the *Ministère du Travail, de l'Hygiène, de l'Assistance et de la Prévoyance Sociales* in France. When the Ministry of Labour was created in 1906 the advisory councils on social services of the Ministry of Commerce and Industry were transferred to the new Ministry, and likewise advisory councils which were attached to the Ministry of Health (*Ministère de l'Hygiène, de l'Assistance et de la Prévoyance Sociale*) were transferred to the Ministry of Labour when the two ministries were combined in March 1924. There are advisory councils attached to other departments of the government which relate to the social services and to the worker, especially the Ministries of Agriculture and Education and Public Works. The number of Councils, Committees and Commissions which are connected with what are called the "external services" of the Ministry of Labour include the

Superior Council on Public Health  
 Superior Council on Public Relief  
 Superior Commission on Industrial Labour  
 Commission on Industrial Hygiene  
 Commission for Codification of Labour Laws

<sup>17</sup> Report (Cmd. 2800), published in 1927. See Balfour Report, *Survey of Industrial Relations*, p. 313, and *Final Report of the Committee on Industry and Trade* (Cmd. 3282, 1929) pp. 126-129, for comments on French National Economic Council.

Superior Council on Labour  
 Superior Council on Statistics  
 Superior Council on Co-operation  
 Superior Council on Workers' and Peasants' Pensions  
 Consultative Council on Disablement  
 Commission for Preparing the Distribution of Subsidies to Consumers Co-operative Societies and Unions of Societies  
 Commission on Unemployment Funds  
 Commission on Public Employment Offices  
 Superior Commission on Savings Banks  
 Superior Council on Economic Dwellings  
 Superior Commission on the National Fund for Old Age Pensions  
 Superior Commission on Death and Accident Insurance Funds  
 Consultative Committee on Insurance Against Industrial Accidents.  
 Consultative Committee on Re-Insurance and Contract Insurance  
 Consultative Council on Mutual Aid Societies

#### ADMINISTRATION AND ADVISORY COMMITTEES

The administration of labour law in France is for the most part directly under the control of the Ministry of Labour. However the French Labour Code provides for several consultative commissions or committees, in addition to the inspectorate staff, whose duty it is to aid in the study of measures of enforcement and to offer expert advice to the Minister of Labour.<sup>18</sup> These are known as the Superior Committee on Labour in Industry (*Commission Supérieure du Travail*), Departmental Committees on Labour in Industry (*Commissions Départementales du Travail*), and Committees of Protection (*Comités de Patronage*).

The Superior Committee on Labour in Industry is composed of nine members, of whom two are senators and two deputies, elected by their colleagues, and the five other members are named by the President of the Republic for a period of four years. Their special duty is to oversee the application of the laws concerning the work of women and children, to give advice on framing regulations and generally to interest themselves in the question of protective legislation for the workers, and also to study the conditions of admission of candidates for the divisional and departmental labour inspectorate

<sup>18</sup> Labour Code, Book II, Chapter III, Articles 112-119, is the law on these consultative committees; articles 82-111 are the provisions in force with regard to labour inspection.

and their qualifications. Each year the president of the Superior Committee submits a report to the President on the results of labour inspection and on the work of the Committee, and this is a survey of the actual state of labour legislation.<sup>19</sup> In the very nature of the case this Committee is close to the Director of Labour in the Ministry of Labour.

The Departmental Committees on Labour in Industry are appointed by the General Councils of the Departments, and are composed of equal numbers of employers and workers and public servants. These Committees are especially charged with the study of enforcement measures for the protection of women and children workers, and to submit reports to the Minister of Labour with regard to the administration of labour legislation in their area. These Committees take the place of the old Committees which were appointed by the Prefects to assist the labour inspectorate first organized by the Act of 1874, but they are constituted on a much sounder principle. On these Committees as a matter of legal right sit the divisional and departmental inspectors of labour, the mining inspectors, the presidents and the vice-presidents of the *Conseils de Prud'Hommes*. They are really representative committees.

The Eight and Ninth annual congresses of the Departmental Committees were held in 1928 and 1929 at Paris and Marseilles, and there are strong indications that these Departmental Committees may develop into more authoritative bodies. At the 1928 congress the report on the extension of the powers of the Committees, said that the Labour Code should sanction by an Act the extensions in power which had already been carried out in practice. The report was unanimously adopted, together with a resolution to the effect that the Committees should, in future, be responsible for carrying out enquiries on the spot in cases of failure to observe labour protection legislation; the results of the enquiries to be forwarded to the competent courts and to the Ministry of Labour. The 1929 congress confirmed the action of the 1928 congress with regard to the extension of powers of the Committees, and both of these congresses

<sup>19</sup> Cf. *Bulletin de l'inspection du travail et de l'hygiène industrielle*, published since 1893, under auspices of the Superior Committee on Labour, by Director of Labour. Also *Rapport de la Commission supérieure du travail et des inspecteurs divisionnaires sur l'application des lois réglementant le travail*, from year 1894. Cf. B. Raynaud. *Manuel de Législation Industrielle* (1927 ed.), pp. 204-210, *Pic. op. cit.*, pp. 566-570.

singled out special phases of labour legislation for attention. The 1929 congress adopted a resolution calling for the reorganization of the factory inspectorate and an extension of their powers, also resolutions recommending that collective agreements be binding upon all persons in the same trade, and that the Act of 1928 on Labour Exchanges be effectively enforced. The year before the congress recommended the appointment of safety delegates in all industries, including transport and agriculture, the immediate enforcement of the Apprenticeship Act, the prohibition of women as drivers or conductors on trams, and compulsory conciliation procedure in all labour disputes. It is thus seen that the Departmental Committees on Labour in Industry have in their consultative function taken up problems which may best be presented to the Ministry of Labour by a group as widely representative as the Committees are of French labour interests.

The last advisory committee above mentioned, the Committees of Protection, have for their purpose the protection of apprentices and children employed in industry, and development of their professional or technical instruction. The General Council in each Department institutes these Committees of Protection, determining their number and the area of their jurisdiction. The statutes of these Committees are approved in the Department of the Seine by the Ministers of Labour and Interior and for the other parts of France by the Prefect of the Department. A Committee composed of seven members, four named by the General Council and three by the Prefect, have general charge of the Committees of Protection in the Departments.

These advisory Departmental and Protection Committees do not as yet exist in all the departments of France, an indication that agencies of co-operation can only function adequately when labour is organized. France has at hand these advisory committees with regard to labour administration, and they can be increasingly used when the organized Labour movement directs its attention to them, when the workers and the employers learn to administer certain common interests together, and when public policy is based more directly upon the recommendations of such consultation.

France is divided into 12 administrative areas for purposes of labour inspection, enforcement being in charge of 12 divisional inspectors under whom are 152 departmental inspectors, 126 men and 26 women. There has been virtually no increase since the war in

the number of labour inspectors; at that time there were 144 men and women responsible for the administration, and there was no increase until 1926. In 1930 there are only 50 more inspectors than in 1894. The Decree of September 20, 1929,<sup>20</sup> fixing the present number also distributed the work of the inspectorate, the Paris division being in charge of 24 inspectors who are men and 12 who are women, approximately one-fourth of the French labour inspectorate. In the 1929 Budget debate it was pointed out that 156 inspectors looked after 800,000 enterprises, while England had for the same task some 600 men and women.<sup>21</sup> There has been increasing demand from the organized labour movement for an effective factory inspectorate, and both in 1928 and 1929 the Minister of Labour promised ten additional inspectors in the Budget debate. This was done in 1928, and in 1929 the Minister also announced that he had ready a Government Bill for the complete reorganization of the service of labour inspection when the Ministry of Finance passed upon his proposals.<sup>22</sup> It is apparent that all voluntary efforts to co-operate in labour administration will be greatly encouraged when the Government itself attempts the duty in a vigorous way. There will then be the threefold pressure of Government service, of co-operative employer and worker collaboration, and of the international agreements which are registered in Geneva, which will place enforcement of labour law upon a broader basis.

The advisory institutions which have been surveyed vary of course in their importance, but it is evident that they have become so useful to the Government that their recommendations have much weight with Parliament. They also contribute much to the general discussion of social legislation which is a means of directing public attention to needed reforms, and they aid in the necessary investigation of problems which are directly dealt with in labour law. Through these consultative agencies the Department of Labour has been able to command services which the administration of social legislation in France could not afford to lose. The Government has largely depended upon voluntary organizations to popularize the whole scheme of national social insurance and to make its provisions

<sup>20</sup> Dalloz, *Code du Travail*, pp. 1018-1020, modifying Decrees of September 22, 1913, June 12, 1919, and April 14, 1927.

<sup>21</sup> *J.O.*, December 2, 1929, p. 3746.

<sup>22</sup> *Op. cit.*, p. 3747.

known. The first Report of the Balfour Committee on Trade and Industry surveyed the establishment of standing bodies representing industrial interests for the purpose of dealing with industrial or economic questions which have been made in other countries, and reached the conclusion that these bodies have the most influence in France.<sup>23</sup> They have been the instrumentalities of common understanding which have helped to unify French industrial policy.

<sup>23</sup> *Survey of Industrial Relations*, p. 310.

## CHAPTER IV

### THE ORGANIZATION OF LABOUR IN THE STATE

#### THE ROLE OF THE PROFESSIONAL SYNDICATE

The Government projects which have been so far considered indicate that the occupational associations, the workers' and employers' organizations, have been increasingly the basis of working class reform and the most useful instruments for collaboration with the state in social legislation. This participation has depended upon a freedom of association for trade unions in France, which is a recent development. An interpellation on unemployment on June 1, 1900, gave M. Millerand an opportunity to say to the Chamber of Deputies that he considered trade union organization the important factor in the problem. It was the basis of the whole labour problem. "It is," he said, "the master idea of my administration. Since I have had the honour of being Minister of Commerce, I have considered it indispensable to do everything to stimulate and to facilitate the legal organization of the trade unions and the Labour Exchanges (*Bourses du Travail*)."

This official statement of policy for the French Government came over one hundred years after the Act of March 2-17, 1791, abolishing the trade guilds.

It was not only the working class which were to profit by professional associations. M. Millerand in 1901 told the *Alliance syndicale du Commerce et de l'Industrie* that they were the necessary instrument of education for the employer as well as for the worker. With the purpose of encouraging the economic activity of the workers' associations, the Government on November 14, 1899 introduced their project of law on the extension of the rights of the syndicates.<sup>1</sup> The law of 1884, said Millerand, had narrowly defined the capacities of the professional syndicates and the federation of syndicates. The Government intended to extend the capacity of the syndicates and to give the law the sanctions which experience had shown was

<sup>1</sup> *J.O.*, November 14, 1899, *Chambre, Doc. parl.*, No. 1185.



necessary and legitimate. This intention of the Government became increasingly a problem of legislation; Government projects and private member bills were submitted to the Parliament to extend the rights of the trade unions and to fortify their authority.

The Waldeck-Rousseau-Millerand Bill was introduced in 1902 and 1906, a Bill "to suppress attempts to prevent the exercise of the rights granted by the Act of March 21, 1884 to industrial associations of employers and workers."<sup>2</sup> The French Senate was obdurate, although the Government Bill gave equal importance to the attempts to prevent a worker from joining a union and that of attempts to force him to join it. Though nothing came of this early effort, the Minister of Labour in the Herriot Cabinet, M. Justin Godart, succeeded in 1924 in getting approval for a Bill based on the Millerand text.<sup>3</sup> This Bill provided penalties against any person guilty of having hindered or having endeavoured to hinder the free exercise of the right to belong to a trade union legally constituted in accordance with the Acts of March 21, 1884 and March 20, 1920. The explanatory memorandum on the Bill gave the Government, in their summary of trade union law, an opportunity of declaring that the Act of 1884 put very energetic measures for the promotion of social progress in the hands of the employers and workers; the industrial association which had been regarded as a source of trouble for many years was seen now in its true light as an instrument of peace; and it was through the organized action of both sides that the various problems arising out of relations between workers and employed are settled. The Minister of Labour said that public policy was concerned with the free exercise of the privileges granted by the Act of 1884, and the addition of penal sanctions to the existing civil provisions would prove once and for all the essential character of the principles laid down by the Act. M. Godart explained that various bills had been introduced without results, as the evolution of ideas was not sufficiently advanced; but in 1925 he could say the time had come for taking up the question again, in the interests of social peace, and providing the public authorities with the means of breaking down the last traces of organized resistance to which the

<sup>2</sup> *J.O.*, October 14, 1902, *Chambre, Doc. parl.*, No. 322; and June 12, 1906, *Chambre, Doc. parl.*, No. 15. Report by M. Barthou for Labour Committee, December 28, 1907, *Chambre, Doc. parl.*, No. 1418.

<sup>3</sup> *J.O.*, February 2, 1925, *Chambre, Doc. parl.*, No. 1169.

wider enforcement of the Act of 1884 might give rise. This Bill and one by M. Bovier-Lapierre, embodying similar penal sanctions for attacks on freedom of association, have not been adopted.<sup>4</sup>

It is certain that the friendly attitude of the Government had good results in stimulating the growth of organized labour. The Government support was again shown by the Decree of July 17, 1900 which placed the administration of the Labour Exchanges (the *Bourses du Travail* were the central organizations for the syndicates in a town or district) directly under the control of the syndicates which made up its membership. The number of Labour Exchanges in France, January 1, 1899 were 55, representing 1,136 syndicates with a membership of 159,284; January 1, 1901 there were 75 Labour Exchanges uniting 16,630 syndicates with a membership of 276,837. This represented the active industrial group in the French Labour movement.<sup>5</sup> The number of all workers' unions increased from 2,361 in January, 1899 to 3,287 in January, 1901; and the membership increased in the same time from 419,761 to 588,832, representing in the period the influence of Millerand's policy. The combined group of all industrial associations, including employers, workers, mixed (employers and workers), and agriculture, reached a membership in 1914 of 2,510,283, and in 1925 a membership of 3,597,272.

#### THE ACT OF MARCH 12, 1920

The most far-reaching effects of the policy inaugurated by M. Waldeck-Rousseau and his Government are best seen in the Acts of post-war legislation, the Act of March 25, 1919, on collective labour agreements, and the Act of March 12, 1920, extending the rights of industrial associations.<sup>6</sup> The first Act is considered below with the growth of collective labour agreements. The Act of 1920, like the 1919 Act, represents the pre-war agitation for extension of the competence of the trade unions. It embodies the principle of the Waldeck-Rousseau-Millerand Bill of 1899, which was first favourably reported by M. Barthou, and from the beginning was considered

<sup>4</sup> *J.O.*, December 5, 1925, *Chambre, Doc. parl.*, No. 2136.

<sup>5</sup> Cf. Lavy, *op. cit.*, pp. 246-258; Pic, *op. cit.*, p. 295; Pelloutier, *op. cit.*, pp. 186-195. The Decrees of August 11, 1905 and October 15, 1908, complete administrative rules.

<sup>6</sup> The law on professional associations is Book III of the Labour Code, the Act of February 25, 1927 codifying the law on this subject.

one of the best solutions of the important question of the juridical personality of the syndicates.<sup>7</sup> The principal amendments which the 1920 Act made to the 1884 Act in trade union law cover changes in the rules of membership, establishment of certain legal and property rights, and trade union relations with activities affecting labour interests. Civil rights granted to the syndicates include the right to appear in a court of justice and to acquire property, and the protection of the law is guaranteed in all cases of direct or indirect injury to the collective interests of the trade they represent. Industrial associations or societies, even if they consist of more than 20 persons engaged in the same occupation, similar trades, or allied occupations connected with the production of a particular article, may be formed freely without Government authorization. The Act provides that regularly constituted trade unions have the right to devise plans for the study and defence of their economic, commercial, industrial and agricultural interests. They may establish among their members special funds for mutual aid and pensions; they may allocate a part of their funds to the creation of cheap dwellings and the acquisition of land for workers' gardens and to purposes of physical culture and hygiene; they may establish, administer, or subsidize industrial institutions, such as industrial provident institutions, laboratories, agriculture experiment stations, institutions for scientific, agricultural and social education, lectures and publications of interest to persons engaged in the trade. They were given a right which may be of growing importance, the Act providing that trade unions may subsidize productive or distributive co-operative societies, and France may in time have a co-operative movement as socially rich in possibilities as its counterpart in England. Finally, the Act provides that industrial associations may be consulted respecting all differences and questions relating to their particular industry or occupation.<sup>8</sup>

#### THE STATUS OF PUBLIC SERVANTS

The special case of civil servants, or employees in state services, is best given here before attempting to point out the contribution of the new legislation on trade unions to the growth of social legislation

<sup>7</sup> Cf. Maurice Cauducheau, *La Réforme de la Loi du mars 1884 sur les Syndicats Professionnels* (1911); Pic, *op. cit.*, pp. 354-360; M. Barthou, *L'Action Syndicale* (1904).

<sup>8</sup> See Labour Code, Book III, Articles 10-26 for rights of trade unions.

and its administration. The employees of the state have demanded for a long time protective rights of organization, and this agitation has been from time to time since 1900 a bitter source of conflict between the French Government and the trade unions. Pressure from the employees in state services became more insistent upon Parliament when syndicalist influence was most anti-parliamentary; and the effort that the Government made to organize professional associations and prepare the trade unions for large responsibilities intensified the struggle. But fortunately the better ordering of organized labour's interests by its post-war leaders and the conciliatory attitude of succeeding Governments has helped to simplify the situation, and at the same time French civil servants have become better organized. There is general agreement that new legislation is needed, and, if the Senate had not opposed, the Act of 1920 would have settled the question of freedom of association for civil servants; all that was gained was provision in section nine, which stated that the rights and privileges of officials (*statut des fonctionnaires*) should be determined by a special Act. The Government promised to suspend all prosecution of civil servants' associations pending the adoption of the special legislation.

The Council of State in a decision of January 17, 1922 decided that groups of civil servants may not organize into trade unions.<sup>9</sup> The decision in question answered the appeal of the National Union of Excise Agents against a decision of the director of the excise branch of the tax service withholding a list of the personnel of the office for the year 1920. The decision stated that while the law of 1884 grants legal rights to trade unions, the only associations authorized by the law are those whose exclusive purpose is the study and defence of the economic, industrial and commercial interests of their members. This is considered to limit the authorization to unions of employers or workers as representatives of special interests and does not include civil employees, who represent public interests. Benefiting as this class does by regulations governing

<sup>9</sup> Cf. The *Report Maginot* (*J.O., Chambre, Doc. parl.*, July 13, 1911, No. 1214) on the *Statut et le Droit d'Association des Fonctionnaires*, includes also the able Report of M. Chaigne on the same subject in 1909 and his Supplementary Reports. Taken together these Reports, with texts of Government projects included, provide the parliamentary record on the subject to 1911, and to these now are to be joined the Chabrun and Lauche Reports of 1918, 1920 and 1926. Cf. Jourdanne, Jules, *Les associations de fonctionnaires et le recours pour excès de pouvoir* (1928).

their work and pay and the control of Parliament, they are obliged in accepting this employment to accept certain obligations and renounce certain rights. This point, so the Council of State affirmed, was further stressed by Parliament in the law of March 12, 1920, which included public professions in the scope of trade union activity but not public employees.

M. Herriot in his Ministerial declaration, June 17, 1924, said that the Government would not forbid the professional organizations of the civil servants, but in case of any collective action on the part of the *fonctionnaires* against the public interests the Government would use the rights at hand they possessed. The Ministerial declaration of M. Painlevé, April 21, 1925, also indicated recognition by the Government of the civil servants' associations. A proposal by M. Chabrun, introduced June 20, 1925 would solve the problem by adding a new section to the Act of 1884 applying its provisions "to civil servants, employees, agents, sub-agents and workers in state, provincial, municipal and public establishments."<sup>10</sup> This would not give to them the right to strike, for the Act of 1864 gave this right only to workers not a part of the public services. The discussion is different in 1930 than it was in 1909-11, for the Government has made its aims better understood and organized associations have proved their usefulness to the state and to industry.

Parliamentary approval of this point of view was given in the Report in 1927 by M. Février for the Committee on General Departmental and Local Administration which considered the Chabrun Bill granting civil servants the right to form trade unions under the Act of March 21, 1884. The Committee on Labour had reported favourably, and the Committee on General Departmental and Local Administration completely endorsed the adoption of the Chabrun Bill.<sup>11</sup> The Court of Appeal in a decision of June 15, 1923 had again made plain that associations, unlike trade unions, do not legally represent the vocational group of their members. Civil servants had the right to organize but they were prevented from representing their vocation; and the Committee on Administration opposing this impossible position considered that "complaints, charges and grievances are

<sup>10</sup> Chabrun Report (*Chambre, Doc. parl.*, 1926, No. 2569); cf. Chabrun Report (*Chambre, Doc. parl.*, 1920, No. 453), and Lauche Report (*Chambre, Doc. parl.*, 1918, No. 4945).

<sup>11</sup> *J.O.*, October 13, 1927, *Chambre, Doc. parl.*, p. 271.

better considered when they are expressed through legal and responsible organizations." The Report stated that the application of the Act of 1884 to civil servants would be an act of confidence and justice, but beyond considerations of a legal and social nature, the Committee considered two questions to which it gave a favourable reply. It was pointed out that departmental and local officials are called upon to solve difficult and constantly recurring problems in connection with their personnel. They have also frequently to rely on collaboration of officials placed under their instructions or responsibility. "Will the recognition of the right of association of civil servants facilitate the solution of these problems? Does our experience of relations with trade union organization justify us in granting legal recognition of what is in fact tolerated in many cases? Our answer to both these questions is affirmative. It is much better that collective demands, which are always representative, should be substituted for personal grievances, which are always egoistic. The trade unions in their relations with the organizations with which they are connected have always shown consideration for the general interest. There is thus no reason why civil servants should not enjoy the privileges granted by ordinary law."

The changed attitude of the Government towards professional organization could not be given a clearer statement, and the reasons stated are added evidence of the value of the representative function of workers' associations. The Bill of M. Chabrun was again introduced in the Chamber of Deputies, June 7, 1928, and is at present before that body.<sup>12</sup> The annual Congress of French Civil Servants in Paris, May 17-19, 1929, passed resolutions expressing satisfaction at the decision of the Labour Committee of the Chamber of Deputies to grant complete freedom of association to civil servants, and in this resolution they announced that they would oppose any legal provisions to hamper their collaboration with the working class to which they affirmed their devotion.

#### THE REPRESENTATIVE CAPACITY OF SYNDICATES IN FRENCH LEGISLATION

The Act of March 12, 1920 amending the Act of 1884 has done away with any shackles which the law of 1884 permitted, especially

<sup>12</sup> *J.O., Chambre, Doc. parl.*, No. 136; *Rapport Chabrun*, December 6, 1928, *J.O., Chambre, Doc. parl.*, No. 874.

with regard to the rights of collective action, and has established the complete civil personality of the professional syndicate.<sup>13</sup> This law is an indication of the enlarging social function of the French trade unions, not only in their distinctly economic character but as purposive associations within the community for whom the state has considered it necessary to give special rights of representation. It is also a test of the Government's confidence in the capacity of the syndicates to share in the administration of an industrial society under democratic conditions determined by Parliament. It is political progress toward the realization of the legislative programme of MM. Maldeck-Rousseau, Millerand and Briand, who considered, Professor Pic believes, socially useful any reform which tended to prepare and make possible the accession of the wage-earner to control and ownership.<sup>14</sup> The modern state has set before it no more difficult duty. The collaboration of workers in the enforcement of labour legislation is an increasing factor in administration. The rise of the wage-earner, giving increased power to the working class in France, has changed the emphasis of French public law from the principle of individual liberty to a conception of the rights of organized associations. The industrial associations, workers and employers, have become the direct champions of the freedom of association and the pioneers of a new conception in legislative practice. England and France have had to take into consideration the whole relationship of modern industrial organization and the capacity of the workers to aid in its control; and at the same time legislation has given a larger share in the decisions of industry to the worker and his representatives.<sup>15</sup> The miners in England and France have been pioneers

<sup>13</sup> The Parliamentary Reports on this law are important: Proposed in the Senate by MM. Cheron and Strauss, February 10, 1916 (*Sénat, Doc. parl.*, 1916, No. 37), it was reported in the Senate, March 15, 1917 (*Rapport Cheron, Sénat, Doc. parl.*, 1917, No. 81), and in the Chamber of Deputies, September 5, 1918 (*Rapport Lauche, Chambre, Doc. parl.*, 1918, No. 4945). Two Reports followed, the second Cheron Report (*Chambre, Doc. parl.*, 1919, No. 765, December 23, 1919), and Chabrun Report, March 2, 1920 (*Sénat, Doc. parl.*, No. 453). Cf. Pic, *op. cit.*, pp. 225-296; Bry-Perreau, *op. cit.*, pp. 915-924, Appendix II; Scelles, *op. cit.*, pp. 70-77.

<sup>14</sup> *Op. cit.*, p. 277.

<sup>15</sup> Cf. René Bernard, *L'application pratique de la loi du 12 mars 1920 sur les syndicats professionnels* (1928). A similar view of trade union evolution in England, taking the general strike as an end of an epoch, and the passing of the 1927 Trade Union Act and the collaboration of workers and employers (Mond-Turner Conversations) as marking steps of decisive influence, is in

among the workers in co-operating in the enforcement of social legislation, but in factory and workshop enforcement of rules of hygiene, safety and inspection all workers are sharing in administrative control. This had had fresh impetus in the industries where Welfare Orders in England have been issued and in the welfare legislation of both countries. The effectiveness of much social legislation today depends upon the direct collaboration of the workers' associations. The basis in France for defence of social legislation by the trade unions is the right to bring legal action given by the Act of March 12, 1920, and the acceptance of the representative character of the trade unions in collective agreements by the Act of March 25, 1919. They have been said in this respect to assume the functions of a ministry of social legislation. As a result of the numerous proceedings taken by the trade unions in the ordinary courts, and the decisions of the administrative civil courts, an authoritative survey of trade union powers in France in this regard reveals the following conclusions: (1) In cases of contraventions of labour laws, the industrial associations are entitled to take legal proceedings even in favour of non-members without having to show that they have been granted a power of attorney from such persons; (2) Agreements concluded between the most representative workers' organizations extended *de facto* to all members of the trade concerned; (3) Industrial associations may plead abuse of power before the Council of State in respect of public administrative regulations which tend to modify agreements between workers' and employers' associations.<sup>16</sup>

#### THE SETTLEMENT OF INDUSTRIAL DISPUTES

The "bourgeois ideal of social peace" was not alone in the process of transformation in the years immediately under survey, for the programme of Governments and the debates of workers' congresses prove that the ideal was powerfully at work in men's minds. The history of the Labour movement in England and France provides an indictment of strikes as an enemy of social peace, and at every crisis when this method was resorted to there have been doubts as to

Auguste Pini, *Le trade-unionisme et ses rapports avec le mouvement ouvrier anglais contemporain* (1927).

<sup>16</sup> See International Labour Office Survey on *Freedom of Association* (1927 Geneva) vol. II, pp. 169-170.



its effectiveness. The General Strike of 1920 in France and of 1926 in England directly had this result in the respective Labour movements. At the beginning of the century the example of certain young nations making new attempts at the settlement of industrial disputes had a great influence on the policies suggested in the older industrial communities. The French Government on November 15, 1900 introduced a Bill for the amicable settlement of disputes relating to conditions of labour, a proposal for the regulation of strikes and providing for arbitration.<sup>17</sup> The purpose was stated to be the substitution of a legal régime for the anarchy which then obtained, and to inaugurate a democratic rule of procedure before which the minority would be compelled to submit. A strike was war, declared the Minister of Commerce and Industry. Neither the rights nor the interests of the belligerents would be sacrificed, but there was a duty: "We respect them, yet at the same time we safeguard the general and higher interest of society."<sup>18</sup> In presenting the law project on strikes and arbitration, as in the institution of the *Conseils du Travail*, it was said that the Government continued a work of education and social organization, manifesting its confidence in the organized workers and in the educative value of association, and placed its faith in social progress in reason.

The machinery by which Millerand sought to bring about the reform was complex and ingenious, but the project was opposed by workers and employers then and in 1906 and 1920 when the Bill was before Parliament. The principle of compulsory arbitration was not accepted. Yet the value of this Bill in the history of the controversy of the first decade of the century is certain, and it has influenced subsequent legislation. The working basis of the law was to be the *Conseils d'Usine*—Workshop Committees—a procedure which was suggested in the arbitral award of M. Waldeck-Rousseau, October 7, 1899, ending the famous strike at Creusot, one of the principal social disturbances of the last years of the old century.<sup>19</sup> The Government sought to bring together the good effects of previous legislation on arbitration, combining it with what was considered a democratic method of administration by the workers themselves.

<sup>17</sup> *J.O.*, November 15, 1900, *Chambre, Doc. parl.*, No. 1937. The Bill was introduced again June 12, 1906 (*Chambre, Doc. parl.*, 1906, No. 14).

<sup>18</sup> Cf. Lavy, *op. cit.*, pp. 150-174.

<sup>19</sup> See *Rapport Colliard* on Bill, *J.O.*, December 27, 1927, *Chambre, Doc. parl.*, No. 1418, p. 481.

The Shop Councils would be the permanent arbitration boards, a step too advanced for French Labour at the time. So was the proposal that the strike vote should be secret and determined by the majority. This project really anticipated several of the major principles of workers' control upon which the greatest value has been placed by the old and the new syndicalist movements,<sup>20</sup> and thus it was not surprising that one of the foremost writers on syndicalism was, on the whole favourable to the Waldeck-Rousseau Bill.<sup>21</sup>

M. Millerand was determined to carry forward the Government project "substituting the authority of law for the hazards of force," which appeared to him the very negation of Republican Government. A house divided against itself cannot stand, and he considered it "the most imperious duty to make every effort to extirpate from France the seeds of hate and the germs of civil war." Little by little by the unceasing effort of all men of good will, he thought, "we shall begin to substitute for the hazards and troubles of the present time a régime of stability, of peace and of increasing harmony."<sup>22</sup> But nine years later he thought "it would be possible without exaggeration to say of the economic régime that it is 'absolutism modified by the strike'." His conclusion was not the lesson French Labour and industry had learned: "that in the world of economics as in the world of politics it is necessary that absolutism give way to constitutional monarchy." The politics of M. Millerand had undergone a change. The bitterness of the years between 1900 and 1910 separated the French Labour movement from the "economic parliamentarism" of the first Socialist Minister who had laid the foundation for the future of workers and employers and government collaboration and had helped to outline the friendly proposals of the state. At that

<sup>20</sup> *Op. cit.*, chap. vii, p. 481-482.

<sup>21</sup> H. Lagardelle *Le Mouvement Socialiste*, March 15, 1901, pp. 368-376, and, April, 1901, pp. 431-444, "L'Exposé des Motifs du Projet de Loi sur l'Arbitrage et la Grève Obligatoires."

<sup>22</sup> Cf. A. Millerand, *Politique de Réalisations* (1911), "Le Règlement Aimable des Conflits du Travail," pp. 16-30, "Les Conflits Sociaux et l'Arbitrage," pp. 303-340; also his *La grève et l'organisation ouvrière* (1906) and his *Travail et travailleurs* (1908) cover his aims at this time. Millerand in address opening the Creusot pavilion at Paris Exposition, June 29, 1900, first outlined the project (Lavy, *op. cit.*, p. 151); two full expositions were given July 12, 1900, before the Co-operative Associations (pp. 404-408), and before the 1900 Miners' Congress at Lens, October 7 (pp. 409-415). A changing Millerand is in his *Pour la Défense Nationale* (1913).

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time looking back on the formation of the Labour Councils, he thought of them as the beginning of parliamentarism in industry. "I know that parliamentarism is not in vogue just now," he added, "but what do you propose to put in its place? By what means will you prevent industrial conflicts, or would you continue the state of things as they are? If so, you are less convinced than I am that it is absolutely necessary to be rid of it all. And I know too, that it is not only the employers who declare that it is folly to introduce parliamentarism in the workshop, but there are also workers, or those who presume to speak for them." But it was asking no great sacrifice from the two parties, it was said, from the employers the giving up of a share of their power, theoretically absolute, and for the workers a renouncing of the method of violence for agreement gained through peaceful means alone.

### THE GOVERNMENT PROJECT ON CONCILIATION IN 1929

The legislative history of the Millerand Bill extends in part from 1900 to the passing of the Government Bill for the settlement of industrial disputes by compulsory recourse to conciliation, June 25, 1929, by the Chamber of Deputies. The author personally put it forward in 1902, 1905 and 1906, and in the last year M. Colliard presented a very comprehensive Report from the Labour Committee, which favoured the proposal.<sup>23</sup> Three years later a second Report again gave approval.<sup>24</sup> On December 23, 1910, following the railways strikes, a Government Bill sponsored by MM. Briand and Puech attempted to introduce compulsory conciliation procedure for railway disputes. Millerand reported upon this Bill in 1911 and afterwards introduced a counter Bill, proposing to set up a permanent workers' representative body. This Bill was referred to the Committee on Labour, but the Chambers dissolved before it came up. M. Colliard on January 18, 1917 re-introduced the Report he had presented in 1907: and, in 1920, hoping to profit by war-time experience of joint committees, M. Jourdain, the Minister of Labour, and M. Millerand,

<sup>23</sup> *J.O.*, June 12, 1906, *Chambre, Doc. parl.*, No. 14. The text was slightly changed when it was re-introduced; see Colliard Report, pp. 483-485 for text, and pp. 485-507 for review of existing legislation in all countries on the subject. Cf. *The Conciliation and Arbitration of Industrial Disputes: An International Survey* (Geneva 1927), and I.L.O. publication.

<sup>24</sup> *J.O.*, June 16, 1910, *Chambre, Doc. parl.*, No. 113.

brought forward their Bill.<sup>25</sup> It was quickly seen that the years had made changes, for the chief emphasis was on the obligation of conciliation offers being made and not upon any acceptance of compulsory award. The Bill provided that in all establishments, commercial, industrial, and agricultural, where twenty or more workers were employed, before a stoppage of work there must have been an effort by the delegates of the employees (a permanent committee forming the Workshop Committee [*Conseil d'Usine*]) and the management of the works to come to a peaceful agreement. Failing an agreement the dispute was required to be carried before a permanent conciliation committee (*Comité de Conciliation*), and if conciliation was impossible, the dispute, by common agreement could then be arbitrated.<sup>26</sup> The Bill provided that in public works a strike was forbidden while the hearing was being conducted, an aim which Millerand had in mind from the beginning and which M. Briand stated pointedly in the years 1909-1911 when there was a series of important strikes.

The beneficial effects of legislative debate and of the study by the Committee on Labour were seen in the broader provisions of the Bill when it was again re-introduced in 1920. This new spirit had already been given parliamentary recognition in the Act of March 12, 1920, extending the competence of trade unions, and in the Act of March 25, 1919, on collective labour agreements. This period was summed up in the discussions of the Superior Labour Council at its meetings in 1924 when collective labour disputes were studied, and this body reflected the state of opinion in their draft Bill which provided for compulsory conciliation procedure in some cases but left arbitration entirely voluntary.<sup>27</sup> This is the principle of the Government Bill introduced by the Minister of Labour, M. Loucheur, in January, 1929 providing for compulsory recourse to conciliation.<sup>28</sup> The Government based their Bill, so their *exposé des*

<sup>25</sup> *J.O.*, March 9, 1920, *Chambre, Doc. parl.*, No. 489; and *Rapport Lafarge, J.O.*, July 30, 1920, *Chambre, Doc. parl.*, No. 1478.

<sup>26</sup> The conciliation and arbitration clauses of this Bill are Articles 8-20. Cf. Bry-Perreau, *op. cit.*, Appendix II, pp. 925-929, Pic. *op. cit.*, pp. 925-927.

<sup>27</sup> Cf. *Compte rendu et rapports de MM. Lemarchand et Borel sur le règlement amiable des conflits du travail*, and separate volume, *Règlement amiable des conflits collectifs du travail, Conseil Supérieur du Travail 28<sup>e</sup> Session* (1924); B.M.T., 1924, pp. 344 ff.

<sup>28</sup> *J.O.*, January 29, 1929, *Chambre, Doc. parl.*, No. 1082; *Chambre, Doc. parl.*, No. 1319, Report of Committee on Labour, and No. 1705, the *avis* of Committee on Industry and Commerce.

*motifs* set forth, upon the failure of the optional conciliation Act of December 27, 1892, particular mention being given to the failure of the Act with regard to disputes which extend to a group of undertakings, or to the whole of a locality, or possibly throughout the country. The Government pointed out that more and more disputes are taking these larger proportions, as the feeling of trade solidarity develops both among workers and among employers. This Bill, after favourable consideration from the Committee on Labour, and a supporting *avis* from both the Committee on Commerce and Industry and the Committee on Agriculture, passed the Chamber of Deputies, June 25, 1929, by a vote of 575 to 2.

The Bill provided that in the event of a collective dispute, the parties concerned or their representatives, must meet together before any cessation of work takes place, provided that either of the parties desires such a meeting. If no agreement is arrived at, the Minister of Labour or the Prefect of the Department may require them to meet again before any stoppage of work occurs. If these two attempts at conciliation are unsuccessful, and a strike or lockout taking place, a further recourse to conciliation may be had at the request of either of the parties or at the suggestion of the Minister of Labour or the Prefect of the Department. This meeting will be held in the presence of conciliators chosen by agreement between the two parties, or, in default of such agreement, by the Minister or by the Prefect, and thus at this stage outside interests are represented to bring pressure to bear upon workers and employers. The Bill provides that should the Minister of Labour think fit, in place of naming conciliators he may summon the parties before the Superior Conciliation Commission, made up of an equal number of employers and workers chosen by the Minister from among the members of the National Economic Council. This is a recognition of the national importance of this new French institution and a willingness of the Government to use it.

The Bill recognizes the representative character of employer associations and trade unions, for at all meetings the parties at issue may be assisted by representatives of the organizations to which they belong. The introductory memorandum of the Minister of Labour supported this provision, claiming that the trade unions, by reason both of their function and of their field of activity, have a

broader knowledge of the economic situation, of which the parties in the dispute may at times have but a fragmentary or incomplete knowledge. By the participation of its representatives, the trade union whose responsibility is thus engaged, may be an influence of moderation and a help in facilitating the conclusion of a suitable agreement. M. Loucheur in the final debate expressed his confidence in the value of the trade unions as instruments of social peace. The presence of the trade union representatives at the first meeting, the point of debate on an amendment, was necessary inasmuch as in most cases it was the trade union which prevents the strike. It was indeed sad, the Minister of Labour continued, that in 1929 one should still be obliged to discuss such a point as this, and to fight against amendments which would certainly be interpreted as a mark of defiance towards the trade unions. "We must have confidence in the trade unions. The more confidence we have, the more they will respond to it. If the workers desire the support of their trade unions at the first meeting, we have not the right to refuse it."

The debate on this Bill, especially with regard to trade union representation at the first meeting, may strike the English reader as reproducing a much earlier period of debate in England on trade unions and their rights. This is in part true, but the almost unanimous vote by which it passed justifies the hope that there is common ground for the consideration of means of preventing industrial discord. M. César Chabrun, in his Report for the Committee on Labour, emphasized that the Government's purpose in the Bill was to ensure that in the event of a dispute, employers and workers must at least confer with one another before a stoppage can take place. He added that the Bill did not in any way affect the liberty of employers or workers, and that the right to strike, the right to lock-out and the right of combination remain untouched. This is all true, but the machinery of delay is set up, and optional recourse to arbitration in the event of no solution being found is provided, and likewise publication of the proceedings in those cases where all attempts of conciliation fail. Further clauses deal with the drawing up of collective agreements in those cases where agreement is reached. Such principles established by legislative Act indicate the progress of the workers' and employers' associations from the anarchy of 1900 to responsible collaboration in 1930.

## INFLUENCE OF WAR-TIME PROCEDURE

It is plain that French legislation has not gone beyond the Act of 1892 on voluntary conciliation and arbitration in any formal enactments, but there has been a decided advance in the development of collective agreements between the workers and employers based on voluntary initiative of these parties. The Act of 1892 merely organized conciliation and arbitration procedure, setting up a permanent machinery which could be used. Since that time in collective agreements between unions and employers, clauses for the setting up of permanent joint committees, to which disputes must be compulsorily submitted have become more and more frequent. Previous to the war these collective agreements were few in number and restricted in scope, applying usually to a single firm or to firms in one place, and in no case to a trade over the whole country. There were 252 agreements in 1910, when statistics were first collected, but these fell to 104 in 1912 and 67 in 1913. Between 1914 and 1919 collective agreements increased in numbers, and their scope was extended. There were 253 such collective agreements in 1918 and in 1919 there were 557, double the number in 1910. They tended to cover, instead of a single locality, a whole district, and were in such important trades as building, metal industry and printing. These agreements aimed at fundamental regulation, in many cases containing no reference to wage-scales, leaving these to local agreement, but on the other hand they formed a charter of the industry regulating the length of the working day, the employment of foreign labour and conditions of work.<sup>29</sup> These collective agreements found support in the legislation on the minimum wage, Act of June 10, 1915, before they became general and legally regulated by the Act of March 25, 1919, supplemented by the Acts of June 11, 1917, on the Saturday half holiday (*semaine anglaise*), of April 23, 1919 on the eight hour day, and giving legislative support to collective agreements between workers and employers which the state recognizes. The Ministry of Labour recorded 238 collective agreements in 1926, 58 in 1927, and 99 in 1928.

<sup>29</sup> Cf. G. Piron, *International Labour Review*, vol. V, No. 1 (Jan. 1922), "The Theory of the Collective Labour Contract in France." For analysis of terms of collective agreements made in French industry in 1928 and through June 1929, see *B.M.T.*, 1929, pp. 73-76, *op. cit.*, 1929, pp. 180-184. Also for statistics for the year 1928, the latter issue, pp. 147-148.

The influence of the war regulations to prevent collective stoppage of work and to maintain living standards has played a leading part in the post-war industrial life of France.<sup>80</sup> M. Albert Thomas, now Director of the International Labour Office, was Minister of Munitions and exercised a vigorous control over the labour supply of the country. The wage policy of the Ministry of Munitions was seen in the drawing up of rules for mobilized industrial workers, the application of the Decree of August 10, 1899 concerning working conditions under state contracts, the fixing of wage rates, institution of cost of living bonuses and living allowances. The culmination of this policy was in the Decree of January 16, 1917, establishing a minimum wage which gradually extended to over 2,000,000 workers.

The first attempt at compulsory conciliation in industry in the history of France was taken by the Ministry of Munitions in a Decree of January 17, 1917, which made arbitration by a joint committee compulsory, and gave the rulings of the committees compulsory force. In each district a permanent conciliation and arbitration committee was established, consisting of two representatives each of workers and employers. Ministerial Circulars of February 5, March 17, July 24, August 3, and September 5, 1917 had for their purpose the increase of the number of workers' permanent representative bodies, for they were used not only as agencies of communication between the Government and the workers, but to stimulate output. The Ministry of War applied the system in industries working for them, the system was adopted by Decree of April 17, 1919 in the mercantile marine, and an inter-Ministerial Circular, August 10, 1919, regulated the working and defined the authority of the joint committees, arbitrating on harbour disputes between employers and employees, as had already been done in the case of disputes between shipowners and registered seamen.

Here again is the recurring example of the establishment of a system of collaboration between workers, employers and the state, in order to regulate industrial conditions.<sup>81</sup> It is clear that joint com-

<sup>80</sup> Two authoritative studies give the history of this period, Arthur Fontaine, *L'industrie française pendant la guerre* (1926), and W. Oualid and C. Picquenard, *Salaires et tarifs. Conventions collectives et grèves. La politique du Ministère de l'Armement et du Ministère du Travail* (1929).

<sup>81</sup> See this principle emphasized in article by Roger Picard, *International Labour Review*, vol. III, Nos. 1-2, July-August 1921, "Labour Legislation in France, during and after the War."



mittees can exist only on condition that they represent powerful industrial organizations and are supported by their authority. It was the recognition of this fact that gave the Government confidence in enlarging the powers of the trade unions by the Act of March 12, 1920, discussed above, and by the Act of March 25, 1919, on collective labour agreements, confirming and defining the rights of industrial association to conclude agreements and enforce them.<sup>82</sup> Before these two Acts the competence and authority of the trade unions had been given legislative recognition by Article 33 K of the 1915 Act on minimum wages, which authorized them to take civil action for the enforcement of the law.<sup>83</sup>

#### THE ACT OF MARCH 25, 1919 ON COLLECTIVE AGREEMENTS

The Act of March 25, 1919 indicates the progress of collective agreements in France and the predominant rôle which the trade unions have in these matters.<sup>84</sup> This Act makes null and void all clauses in individual employment contracts between persons bound by collective agreements, where such clauses contravene the collective agreement. It gave legal sanction to the representative principle, for employers' and workers' organizations have the right to represent their members before courts of law and to claim damages in their name; and going further the association may conclude agreements in its own name not only for its members, but on behalf of certain third parties not belonging to the association, a provision which protects the whole employment contract of the worker. In brief this Act of 1919 allows the associations to draw up provisions best suited for the defence of their occupational interests, with only the reservation that such provisions are not in contradiction to existing laws and public order.

The French Parliament has thus taken these collective agreements as a means of applying labour legislation and for adapting it to actual industrial conditions. Workers and employers through their associations thus are their own legislators and administrators, for Administrative Instructions now merely translate these agree-

<sup>82</sup> *Code du Travail*, Book I, Part I, chap. IV bis.

<sup>83</sup> *Ibid.*, Part III. Art. 33k.

<sup>84</sup> The project was first introduced in 1910 (*Chambre, Doc. parl.*, No. 298), and the law of 1919 is based upon the Report of M. Groussier (*J.O.*, S.E., December 5, 1912, *Chambre, Doc. parl.*, No. 2334).

ments into legal terms and define their provisions. The application of the eight hour day is an example of this method, a method which does not appeal to English administrators in the way it does to the French. It is certainly an obstacle to uniform enforcement, but French individualism in workers and employers associations seems to respond to it. This is again the method in arbitration procedure, since this Act of 1919 admits an exception to Article 1006 of the Code of Civil Procedure, by allowing a clause to be included in the collective agreement, to the effect that any future disputes which may arise concerning it shall be submitted to arbitration. The significance of this conciliation and arbitration procedure, as well as the application of the whole law, depends upon the way workers' organizations develop and the extent to which the collective contract can be enforced upon whole trades and over district areas. The French mine workers have again proved their interest in collective agreements, a field in which they have been leaders, their National Federation at Marseilles, October 10-14, 1929, passing a resolution calling for the setting up of machinery to enable the Miners' Federation to negotiate with representatives of the employers on a national basis.

There are special arbitration clauses in the French Railway Organization Act of 1921, voted by Chamber of Deputies, December 18, 1920, and the Senate on July 9, 1921, with modifications, and passed in final form as the law of October 29, 1921.<sup>85</sup> This Act also established a central body for railway administration to manage lines whose running is in the public interest; this is the Superior Railway Council (*Conseil Supérieur des chemins de fer*), organized by the Decree of November 28, 1924, constituted of 60 members, representing the railway companies, the employees, and the public interest, and is attached to the Ministry of Public Works. The Decree of September 24, 1925,<sup>86</sup> instituted a Permanent Arbitration Board for the settlement of collective disputes between shipping companies and

<sup>85</sup> *J.O., Chambre, Doc. parl.*, 1920, No. 1629, Report of M. Lorin on Bill.

<sup>86</sup> *J.O.*, 1925, No. 233, p. 9612. The Decrees of March 19, 1910, and August 7, 1911 were repealed; in fact the Permanent Arbitration Board provided for by article 2 of the Act of July 22, 1909, following the marine strike, never functioned. During the war the Government administered the provisions with regard to conciliation and arbitration through joint committees, described above and this Decree regularizes the procedure and reorganizes the Permanent Arbitration Board. See *B.M.T.*, 1929, pp. 36-42.

the crews employed by them. The Permanent Board, in its functioning, recognizes equally the national trade organizations of employers and the national trade unions of employees. This Decree in article nine recognizes the representative function of trade organizations with reference to collective agreements.

The effort which has been made to establish a working basis of agreement between the employer and the worker has had good results in France. They are closer together today as bargaining and consultative groups than ever before. The figures given below since 1900 of strikes in France will indicate that the strike weapon has lost ground since the earlier date. When it is taken into consideration that there were 588,832 organized trade union workers in 1900, and in 1926 there were 1,181,297, it will be seen that there has been a remarkable decline in the use of the strike. The years of 1919 and 1920, the post-war strike years, are the exceptions and may be compared with the general strike and the coal strike in England in 1926. The organized trade unionist has not found the strike the best bargaining ground in either England or France. There are available the statistics of strikes from October 1928 to March 1929, showing that in this period in France there were 511 strikes involving 119,158 workers.<sup>87</sup> This is a comparatively small number of workers, and it is well to note that of this number 361 strikes were for an increase in wages. With the increasing use of the method of collective agreement and with the better organization of the workers and employers in their trade associations there is hope that labour disputes will be less and less a menace to industrial good-will. Since the war the Communists in France, especially in the Paris industrial area, have engaged in active propaganda for the use of the strike as an economic and political weapon for the "Revolution." The statistics given below will indicate the progress since 1900 in France.

<i>Year</i>	<i>Strikes</i>	<i>Number engaged</i>	<i>Days lost</i>
1900	902	222,714	3,760,577
1901	523	111,414	1,862,050
1902	512	212,704	4,675,081
1903	567	123,151	2,441,944
1904	1,026	271,097	3,934,884
1905	830	177,666	2,746,684

<sup>87</sup> *B.M.T.*, 1929 (Nos. 1-6), pp. 32-33, 143-144. Also *Annuaire Statistique* (1928), p. 91, and p. 49, the last giving statistics since 1890.

<i>Year</i>	<i>Strikes</i>	<i>Number engaged</i>	<i>Days lost</i>
1906	1,309	438,466	9,438,594
1907	1,275	197,961	3,562,220
1908	1,073	99,042	1,752,025
1909	1,025	167,492	3,559,880
1910	1,502	281,425	4,830,041
1911	1,471	230,646	4,096,393
1912	1,116	267,627	2,318,459
1913	1,073	220,448	2,223,781
1914	672	160,566	2,187,272
1915	98	9,361	55,278
1916	314	41,409	235,907
1917	696	293,810	1,481,621
1918	499	176,187	979,634
1919	2,026	1,150,718	15,478,318
1920	1,832	1,316,559	23,112,038
1921	475	402,377	7,027,070
1922	665	290,326	3,935,493
1923	1,068	330,954	4,172,398
1924	1,083	274,865	3,863,182
1925	931	249,198	2,046,000

## CONSEILS DE PRUD'HOMMES

The survey of French legislation dealing with conciliation and arbitration would be incomplete without a reference to the *Conseils de Prud'Hommes*, translated Probiviral Courts, a peculiarly French institution with a history beginning with the establishment of the first probiviral court at Lyons by the law of March 18, 1806.<sup>88</sup> They combine the functions of conciliation and arbitration, and those of a summary court of justice dealing with questions arising between the employer and worker. Probiviral courts, article one of Book Four of the Labour Code declares, shall be instituted to settle by means of conciliation any differences which may arise between employers or their representatives and the wage-earning and salaried employers of both sexes whom they employ. Their powers as conciliators and judges shall apply likewise to differences arising between workers on matters connected with their work, and they shall give their opinions on questions referred to them by the administrative authorities. Probiviral courts are established by decrees issued in the form of public administrative regulations, on the recommendation of the Minister of Justice and the Minister of Labour, after consultation with the Chambers of Commerce and the Advisory

<sup>88</sup> Book IV of the Code of Labour and Social Welfare, dated June 21, 1924, codifies the law on *Conseils de Prud'Hommes*.

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Chambers of Arts and Manufactures and municipal councils of communes. The creation of a probiviral court is legally compulsory when it is demanded by the municipal council of the commune where it is to be established, and when this is supported by approval of Chambers of Commerce and the general Council of the department. The decree instituting the court shall specify the jurisdiction of the court (the area which will form the district of the proposed court), and, as each court consists of as many trade sections as desired, the number of classes into which the trades and industries under its jurisdiction shall be divided. Probiviral courts are composed of an equal number of wage-earning or salaried employees and of employers for each class, and are elected for six years at a time. They choose from among their own number a president and vice-president, taken alternately from the employers' and workers' groups and changing every year. The members of the court are elected at two separate meetings of persons in the trade concerned, presided over by the justice of the peace.

The four laws of the Third Republic which dealt with these joint councils, for that is what they are, before the Government made the Superior Labour Council responsible for their reconstitution in 1899-1900, were inadequate in providing for the duties which it was possible for the *Conseils de Prud'Hommes* to perform.<sup>89</sup> The principle which the Government accepted would have at that time under M. Millerand's leadership extended the jurisdiction of the Councils to include all workers, industrial, commercial and agricultural; the last two categories were in point, and the Superior Labour Council voted in favour of including within their competence the employees of the state. The long delay in extending the jurisdiction of the *Conseils de Prud'Hommes* was due to the Senate's opposition to an enlargement of their powers, though the Chamber of Deputies were committed to changes. The law of July 15, 1905, began administrative changes, which were fully carried out in the re-organization Act of March 27, 1907, and which successfully extended the jurisdiction of the probiviral courts to commercial employees. The laws of November 13-15, 1908, March 8, 1912, July 3, 1919, and March 30, 1920, followed, the 1908 legislation providing

<sup>89</sup> Minor administrative changes represent legislative effort: Laws of February 7, 1880, February 23, 1881, November 24, 1883, and December 10, 1884. Cf. Pic, *op. cit.*, pp. 901-921, and p. 27 of 1928 Supplement.

for the eligibility of women for membership on the *Conseils de Prud'Hommes*, and the other Acts brought provisions into line with post-war developments.<sup>40</sup> This was the intent of the Act of December 21, 1925 which gave final jurisdiction to the probiviral courts in disputes between employers and workers where sums less than six hundred francs were at issue, and the Decree of November 20, 1926 raised this to one thousand francs. There were to be no appeals from decisions involving this amount.

There are provisions in many collective agreements and in legislative enactments that the *Conseils de Prud'Hommes* are to provide the representatives of the workers and the employers, and this gives an administrative usefulness to the Committees in French social legislation and indicates the confidence in this institution of workers and employers and the state. There were 434,966 disputes before the *Conseils de Prud'Hommes* in the five years of 1920 to 1925, as announced by the Ministry of Justice. There were 234 *Conseils de Prud'Hommes* in France in 1928. The progress of the *Conseils de Prud'Hommes* in the twentieth century has been toward a definite inclusion of more and more workers within their jurisdiction, the largest group without being agricultural workers. The value of this institution depends upon the co-operation of the workers and employers in the community; their growth has proved the attachment of the French for them; and their utility as an agency of conciliation locally, suited to the needs and temperament of the French employer and worker, is manifest. The elections for the *Conseils de Prud'Hommes* in 1929 indicated that the General Confederation of Labour, the Unified Socialist Party and the Communists were taking increasing interest in electing their candidates upon the Councils.<sup>41</sup>

<sup>40</sup> A complete summary of legislation and history is in the *Rapport Bender, J.O.*, June 4, 1919, *Chambre, Doc. parl.*, No. 6248.

<sup>41</sup> See *Le Populaire* (Socialist daily) and *L'Humanité* (Communist) issues of November 17, 19 and 20, 1929.

## CHAPTER V

### THE MINISTRY OF LABOUR AND THE CODIFICATION OF LABOUR LAWS

#### MINISTRY OF LABOUR

The Parliamentary Reports dealing with the proposed creation of a Ministry of Labour which were presented in 1906 emphasized the development of the powers of central administration since 1871, the increasing work before Parliament and the problem of Budget expense for social reform.<sup>1</sup> These three reasons explain the establishment of the *Ministère du Travail et de la Prévoyance Sociale* in France, in the first Cabinet of M. Clemenceau, by the Decree of October 25, 1906.<sup>2</sup> The French Parliament from 1900 found its duties with regard to social questions becoming more insistent. The Report of the Select Committee on Procedure in 1914 in the House of Commons showed that the problem of increasing legislative duties was not a new one nor confined to the House of Commons, presenting itself "in almost every more or less popularly elected legislative assembly in all countries where modern views as to the duties of the state are finding expression, and the vastly complicated social, industrial and commercial problems of our time are pressing for solution."<sup>3</sup> Professor Maitland pointed out that when Parliament began to legislate with remarkable vigour, about the same time it

<sup>1</sup> See Cabinet project for creation of Ministry of Labour by MM. Clemenceau and Caillaux, *J.O.*, S.E., November 5, 1906, *Chambre, Doc. parl.*, No. 367, pp. 38-39; the Report of M. Mougeot on above, *J.O.*, S.E., November 6, 1906, *Chambre, Doc. parl.*, No. 398, pp. 86-87. Cf. Cabinet project presented by MM. Clemenceau and Caillaux on services of the Ministry of Interior, *J.O.*, S.E., November 27, 1906, *Chambre, Doc. parl.*, No. 476, pp. 161-162; also proposal on Labour Ministry presented by M. Abel-Bernard, *J.O.*, *Chambre Doc. parl.*, 1906, No. 305, p. 1837.

<sup>2</sup> See *B.M.T.*, 1906, pp. 1:58-1160, for Report to President on the institution of the Ministry, and the Decree of October 25, 1906.

<sup>3</sup> *Parliamentary Papers of the House of Commons*, 1914, vol. VII, p. 599.

gave up the attempt to govern, giving this duty to administrative agencies. It was increasingly evident in England and France that the effort by democracy to control legislation was creating entirely new parliamentary conditions, and that some means would have to be found to satisfy the demand for democratic control and at the same time give Parliament a necessary freedom from the slavery of detail. The creation of a State Department for labour affairs was one means of meeting the problem.<sup>4</sup>

M. Renè Viviani, the first Minister in charge of the new Department, told the Chamber of Deputies that the Government had not only instituted the Ministry of Labour as an important administrative Act, but to accomplish a specific social purpose and to inaugurate a new spirit in the policy of the Government.<sup>5</sup> The first responsibility of his Ministry would be to advance the whole interest of public policy, providing a common reserve of idealism which would unify individual and collective effort. The purpose of the Government was again declared by M. Clemenceau in his Ministerial statement.<sup>6</sup> "In the duty of social justice—another aspect of the fundamental question of the right of all—our interest has been proved," he said, "by the creation of the Ministry of Labour and Social Welfare, the duty of which will be to co-ordinate all the various efforts that aid and facilitate the progressive realization of solutions for our complex social problems aggravated by the unorganized condition of the working classes and by that kind of spirit which is too often the consequence. It is justice that we seek. No doctrine of justice alarms us, with a free spirit we shall judge, undertaking to examine the theories of all, if it is well understood that their success depends upon universal suffrage and republican law." Thus the French Ministry of Labour and Social Welfare was inaugurated. The new Ministry took over from the Ministry of Commerce the administra-

<sup>4</sup> The new Ministry of Labour was seen as the culmination of efforts since Blanc in 1849, the Report to the President stated. Other efforts are briefly cited, and the account of the passage through the Chamber of Deputies and Senate is given in the *Bulletin de l'Office du Travail*, 1906, pp. 1267-1268. Cf. Charles Brouilhet, *Le ministère du travail* (1907), and Albert Peyronnet, *Le ministère du travail, 1906-1923* (1924).

<sup>5</sup> *J.O.*, November 9, 1906, pp. 2431-2435. M. Viviani's speech was given the honour of being broadcast throughout France by official poster.

<sup>6</sup> *J.O.*, S.E., November 6, 1906, pp. 2386-2387. Cf. Paul Fesch (ed.), *L'Année Sociale et Economique en France et à l'Etranger*, 1907 (1908), with special reference to the politics of France.



tion of inspection and insurance, from the Ministry of Interior control of co-operative and mutual aid societies, and the protection of the miners was given up by the Ministry of Public Works. The new social services of the French Government were of course from this time on administered by the Ministry of Labour.

At the beginning of the Ministry of M. Millerand the Decree of January 20, 1920 created a new Ministry of Health, Social Assistance and Social Insurance (*Ministère de l'Hygiène, de l'Assistance et de la Prévoyance Sociale*). The Ministry of Health grouped together all the services having to do with health and hygiene that had been previously scattered through five Ministerial departments, especially services in the Ministries of Interior and Labour.<sup>7</sup> M. G.-L. Breton, a parliamentary leader for years in social legislation, was the first head of the new Ministry, which was unchanged by M. Briand in the Government which he formed, succeeding M. Millerand. However in March 1924, in the Poincaré Government the two Ministries were combined as the Ministry of Labour, Public Health, Assistance and Social Welfare (*Ministère du Travail, de l'Hygiène, de l'Assistance et de la Prévoyance Sociale*), under M. Daniel Vincent, who was succeeded in the Herriot Government by M. Jutin Godart. A separate Ministry of Health with practically dictatorial powers in matters of public health was asked from the Government by the French Academy of Medicine in a resolution presented in November, 1929. The resolution stated that taking care of public health services in a modern country was too big a task to be divided, and requested that the health work be established in a Ministry separate from the Ministry of Labour.

The present organization of the Ministry of Labour, Public Health, Assistance and Social Welfare in France will be found in Appendix II of this study, including the administrative services of the department.

### THE FRENCH LABOUR CODE

The progress of legislation dealing with the worker and the conditions of his employment in the countries of Europe has created what Professor Pic has called a *droit commun européen*. The Director of the International Labour Office, M. Albert Thomas, has pointed out

<sup>7</sup> Cf. *B.M.T.*, 1920, p. 21.

with regard to the international labour convention on the eight hour day that England, France and Germany would not have to alter any existing legislation to put this international legislation into effect. Whatever the future is for the international protection of the worker and his standard of living the factors in this evolution of a common international standard are complex, but they are as important for the Labour movement throughout the world as they are in the history of comparative jurisprudence. The parallel progress of social legislation in the chief industrial countries of Europe makes only more secure the hope that international labour conventions shall have in the future a wider application. They will depend upon the organization and administration of codes of labour law in the industrial nations which take the lead in these matters. For this reason there is a value in taking note of the progress France has made in the codification of her Labour laws, it being well known that French law is a code law system.

From the first two important laws of the Third Republic on social legislation, that of May 19, 1874 (the protection of children employed in mines and manufactures, and forbidding the work of women in mines), and of March 21, 1884 (on the professional syndicates), there has been state intervention in the industrial system. At the beginning of the century in England it was found necessary to consolidate in the Factory and Workshop Act of 1901, a great mass of previous legislation and regulations. The counterpart for France at this period was the proposal for the codification of labour law. There was the necessity of assembling systematically the scattered texts and the various regulations which would give to the workers full information of their rights, and provide for the law-maker and administrator a complete guide to existing legislation.<sup>8</sup>

The Ministry of Commerce and Industry by an Order of November 27, 1901 instituted an extra-parliamentary commission for the codification of the workers' law.<sup>9</sup> Four years after the commission

<sup>8</sup> The best legislative review is the Report of M. Charles Benoist, *J.O.*, February 22, 1905, *Chambre, Dec. parl.*, No. 2262, on the Government projects; see especially chap. I, pp. 187-207, "L'Evolution du Travail et l'Evolution de l'Etat." Cf. earlier Report of M. Benoist on the Resolution inviting the Government to submit its projects for the *Code du Travail*, which Resolution was adopted December 22, 1905 (*J.O.*, December 14, 1903, *Chambre, Doc. parl.*, No. 1358).

<sup>9</sup> *J.O.*, December 2, 1901. Cf. *Bulletin de l'Office du Travail*, 1904, pp. 522-527, "The Codification of the Workers' Laws in France."

set to work the Minister of Commerce introduced two projects of codification, the first dealing with Books I-IV<sup>10</sup> of the Labour Code, and the second with Book V<sup>11</sup> (*Code du Travail et de la Prévoyance Sociale*). Two later projects dealing with Books VI and VII were presented in 1906<sup>12</sup> and 1909,<sup>13</sup> but they have not been debated. The Minister of Labour, by the Decree of January 12, 1929,<sup>14</sup> was allowed to withdraw the projects on Books V, VI and VII, and in time they will be re-introduced as the work of the Committee on the Codification of Labour Laws progresses.

The war interrupted the work of the Committee, but Book I (*Des Conventions Relatives au Travail*) came into force by the Act of December 28, 1910, completed by the Decree of January 12, 1911. Acts amending Book I were passed November 26, 1912, June 17, 1913, July 10, 1915, July 18 and October 18, 1917, March 25, 1919, June 25, 1920, July 27, 1921, April 23, 1924, January 4, February 1, March 16 and 20, and July 19, 1928. This Book, dealing with labour contracts, collective labour agreements, wages and wage payments, contains 107 articles, and codified French laws dating from the Year XI, including ten laws dating from 1806 to 1895. This is convincing testimony of the difficult work before the Committee on Codification.

The Second Book of the Labour Code (*De La Réglementation Du Travail*) was promulgated by the Act of November 26, 1912 and the Decree of November 28, 1912. There are 187 articles of the Labour Code in this Book, dealing with conditions of work, the health and security of the workers, inspection, and the work of women and children. Beginning with the Act of September 9, 1848, dealing with the hours of work of women and children in mines and manufactures, this Act of November 26, 1912 codified 22 separate Acts down to 1912. This part of the Labour Code has been modified by the Acts of December 31, 1912, March 4, June 17 and December 31, 1913, April 4, 1914, March 6 and August 5, 1917, March 28, April 23 and June 24, 1919, February 16 and December 29, 1923,

<sup>10</sup> *J.O.*, February 6, 1905, *Chambre, Doc. parl.*, No. 2237, pp. 51-134; Benoist Report, *J.O.*, February 6, 1905, *Chambre, Doc. parl.*, No. 2339. Cf. Supplementary Report, *J.O.*, April 4, 1905, *Chambre, Doc. parl.*, No. 2367, together with Report above (No. 2262).

<sup>11</sup> *J.O.*, February 21, 1905, *Chambre, Doc. parl.*, No. 2259, pp. 171-180.

<sup>12</sup> *J.O.*, February 22, 1906, *Sénat, Doc. parl.*, No. 53, p. 157.

<sup>13</sup> *J.O.*, February 16, 1909, *Sénat, Doc. parl.*, No. 32, p. 66. Report of M. Viviani (*J.O.*, June 27, 1910, *Chambre, Doc. parl.*, No. 183).

<sup>14</sup> *J.O., Sénat*, February 1, 1929, p. 87.

April 19, 1924, January 24 and July 25, 1925, January 31, April 29, August 11 and December 7, 1926, March 25 and June 30, 1928. These twenty-one additional Acts since 1912 are Acts that affect directly the hours of work of men, women and children, conditions of rest, and security for special categories of workers. It is an indication of the rapid expansion of the protective measures of French social legislation, for these are laws on subjects which daily affect the wage-earner. There are more articles in this Book than in any of the three other Books of the French Labour Code.

The Act of February 25, 1917 codified French law on professional syndicates (*Des Groupements Professionnels*), Book II in 54 articles being the law on the objects, constitution, civil capacity, rights and duties of syndicates, and the law on co-operative societies of consumption and production.<sup>15</sup> The Act of June 21, 1924 codified the final part of the present Labour Code, constituting in 133 articles Book IV (*De la Juridiction—De la Conciliation et de l'Arbitrage—De la Représentation Professionnelle*) of the Labour Code.<sup>16</sup> This is the law relating to conciliation and arbitration, *Conseils de Prud'Hommes*, professional representation on advisory bodies, especially the Advisory Labour Councils. Amendments, which it should be noted in this part of the code as in the other Books, may be minor administrative or financial changes, were made by the Acts of December 24, 1925 and April 9, 1927.

The work of the Committee on Codification of Labour Laws has brought constructive criticism and continued study to the subject of labour laws and their function in modern society. The Committee for over a quarter of a century has had the duty of seeing labour law in the framework of the French law system as a whole. The Committee necessarily have had to keep in mind the purpose behind the Acts of the legislature, and its service has been, as M. Benoist suggested in his first great Report on Codification, to reveal "the double crisis of the state in politics and economics." French public policy toward the worker through social legislation and administration has been this Committee's special task, and the results of codification down to 1930 are found in the first Books of the Labour

<sup>15</sup> See *Rapport Pasquet, J.O.*, June 29, 1926, *Chambre, Doc. parl.*, No. 358, pp. 1060 ff.

<sup>16</sup> See *Rapport Pasquet, J.O.*, March 6, 1923, *Chambre, Doc. parl.*, No. 143, pp. 200 ff.; and M. Pasquet's second Report on Book IV, *J.O.*, March 15, 1924, *Chambre, Doc. parl.*, No. 179, pp. 181 ff.

Code, containing 481 articles.<sup>17</sup> It is worth pointing out that the Code itself in the official publication of the Ministry of Labour contains 116 pages, while the Decrees and Orders (*Annexes au Code du Travail*) printed with it require 461 pages. This is certainly proof that administration is law in action.

#### GOVERNMENT POLICY

Before the history and development of the French programme of social insurance and legislation relating to conditions of work are given in the chapters which follow, it is well to summarize this survey so far as it has outlined the organization of labour within France.

Government policy has been so far considered mainly from the point of view of the state's purpose in legislation dealing with the organization of labour and of industry within the state, the share of control which it has considered necessary to keep to itself or else safely to trust to voluntary institutions. The French Government has recognized the corporate interests of workers and employers in their syndicates. The organization of the industrial life of France on the basis of professional groups has been the outstanding fact in the legislation which has been described above. A continuous machinery has been established for consultation between workers and employers and the government. That good-will reached through common agreement may be a normal thing in the industrial system, has been the aim of several great Acts which have developed the principle of the representation of interests. The Parliament of France has thus defined professional representation and at the same time has interpreted the larger ideal of general interests by providing for a sharing of deliberation in all that concerns public welfare. Legislation which has elaborated the principle of occupational representation has not failed to provide for community representation. There has been laid a basis for common responsibility in the industrial system which is shared by workers and employers and

<sup>17</sup> The most convenient form for study of the French Labour Code, with Decrees and Orders and uncodified workers' laws attached, is the official publication from time to time of *Lois, Décrets, Arrêtés Concernant La Réglementation Du Travail. Documents réunis par le Ministère du Travail, de l'Hygiène, de l'Assistance et de la Prévoyance Sociale*. The last edition was of September 1928, and the next will be in 1932.

the government. The direction in which present day co-operation is going is an indication that the democratic method of talk and consultation is just beginning to be used.

There has been a marked change in the policy of the French Government toward workers' associations since the Act of 1884; a change was indicated very early in this century by the labour projects which the Government of M. Waldeck-Rousseau put before the French Parliament. The state became friendly. And not only did it put confidence in the representation of organized labour, but based its policies of conciliation and arbitration in the strength of trade unions, giving to the workers a directing administrative power in the carrying out of labour law. The French Government has accepted the syndicates as administrative agents in the enforcement of labour law, responsible colleagues with the state and the employers' associations in keeping the industrial system working in harmony. The French law has given full juridical personality to syndicates and unions of syndicates, that they may bargain freely in protecting their rights, own and control property and carry out their corporate aims unfettered by restrictive legislative interference. The problem of the trade unions is to train themselves in this new leadership in the community.

The importance of the growth of the functions of the state is indicated in the acceptance by the government of the syndicates as responsible and representative groups having a corporate life which the laws of the country protect and recognize. In a comparatively short time both an unfriendly and antagonistic state found it necessary to use the machinery of labour organization in its own service of administration. M. Clemenceau said in 1906 that unorganized labour was a menace. This necessity of organization of occupational interests implied that the state accepted a new relationship toward a large group in the community which had slowly gained power. This power has constantly been used to create for labour a new status within the state and in relation to industry, as well as being used to promote the usefulness of the trade associations which are united by a common bond of interest for mutual protection. To have longer ignored the associative power of labour as defined by the trade unions would have precipitated a fiercer civil strife than has resulted under the policy of present day Governments. The French Government none too early sought a way out of the warfare

which went on daily in industry. Legislation in the twentieth century, as has been shown, has not only lifted restrictions in France, but has made it possible for the Government to hear what all groups have to say for themselves, and to judge of their capacity to live helpfully in the modern community. This has often resulted in the duty of the Government being made plainer in the organization of interests within the state. For the purpose of the state in creating special rules and confirming social rights with regard to the trade unions has not been at times very clear, nor has the policy of trade unions in their new freedom yet made its constructive contribution to French industrial life. The past is dead. The French Government has proved its friendly purpose in the legislation providing for professional representation, and as this new freedom is genuinely understood, the state, the workers and employers can in common make use of it.

## CHAPTER VI

### FRENCH LEGISLATION ON CONDITIONS OF WORK

The claim of the individual worker to security has had a more direct appeal in the past to the lawmaker than the more involved problem of the rights of an organized group of workers for protection of a trade interest. For this reason perhaps the logical way to write a history of social legislation would be to take the isolated worker and his claims upon the community for the risks of employment, and see to what extent he has been given a special protection. But very soon this would lead to confusion, if not barren results, for the fact is that the rights of the worker have been protected in proportion to the recognition of the associative power of workers' organizations. It is then of importance to see what recognition modern governments accord to the representative function of trade unions. This survey has first given the attitude of the French Parliament to the professional syndicate, and to the use which has been made of the workers' associations in their representative capacity. The occupational organization of French workers has thus been considered, and the worker has been seen as a part of the whole of community action. His rights and his duties, and the collective responsibility of the trade union, are then not apart from French national life. It is thus that the progress of occupational representation from a purely defence organization to a necessary agency of counsel and administration is more realistically seen than any Act of Parliament can reveal. The larger place of the worker today as a producer and a citizen is likewise made manifest.

The two following chapters will trace the existing legislation in France with regard to conditions of work and will give the background of the new national system of social legislation. This history parallels the development of the collective power of French syndicalism, and is the other side of the shield that we have just been looking at. There the worker was seen in his relation to his fellow



workers, and here he is the individual in need of protection for himself and those dependent upon him. At the same time the French Parliament was extending the powers of the trade unions and giving effect to the collective labour agreement, it was inaugurating parliamentary discussion of the national system of social insurance. When the community found that it was in need of the essential power of democratic life in the organized labour movement the individual worker took on a new importance as a citizen. His protection at work and at home then took first rank in problems of national welfare.

### THE MINING CODE

It is important to keep in mind the influence the Federation of miners and mine-owners has had in England and France upon the development and administration of social legislation. They have been well organized in each country, and the labour movement has had industrially and politically to depend upon the mine workers for needed strength, and they have given to each movement a solid basis of support and fresh power at critical periods of working class history.

The creation of special legislation for a system of miners' pensions and the equal representation of workers on the administrative council, were an extension of the principle which was first given form in France in the Act of July 8, 1890, providing for the election of works delegates for the protection of the miners. Professor Pic believes that the French law was derived in part from the English Act of August 10, 1872.<sup>1</sup> The usefulness of the miners' delegates had been given legislative endorsement by the increase of powers before the war in the Acts of March 23, 1901, May 9, 1905, March 12, 1910, February 13 and December 13, 1912, and the Decree of December 19, 1914;<sup>2</sup> and the amending Acts of June 24, 1919, and March 25, 1928 to the Labour Code considerably enlarged the powers of inspection by miners' delegates. The rights of the miners' delegates—working miners chosen to inspect the mines—with respect to examination of the conditions of health and security are well defined.

<sup>1</sup> *Op. cit.*, p. 414. Cf. *Le Mineur, sa condition générale et sa capacité contractuelle dans le droit anglais* (1923), by V. Fere.

<sup>2</sup> Book II, chapter IV, articles 120–158, Labour Code, is the law on miners' delegates. The pre-war Acts were codified by the Act of November 26, 1912, and Acts since then are added as amendments.

They are paid the regular wages while on inspection duty, and provision is made for their written reports and for the inspectorate to take action upon them. There is no English law on workers' co-operation in inspection that seems to go so far in a possible actual control as the legal provision for miners' delegates in France. This service is interpreted in the demand of the French Miners' Federation at Clare-Ferand in 1928, when the Congress made the request that because of the urgent necessity of ensuring greater security in the mines, the powers of the miners' delegates be extended and that they be given permission to descend whenever they consider it necessary under the same conditions as the official mines inspectors.

The growth of the mining institution of workers' delegates no doubt was responsible for the friendly reception by the miners of the plans of the Government for a general arbitration system growing out of the creation of the *Conseils d'Usine* at Creusot in 1899.<sup>3</sup> The National Miners' Federation for three successive Congresses, 1905-1907, passed resolutions inviting the Government to depose a project of law instituting permanent councils of arbitration for the friendly control of differences relative to the conditions of work.<sup>4</sup> The extension of the jurisdiction of the *Conseils de Prud'Hommes* to include the miners was proposed in the session of 1906 by M. Basly,

<sup>3</sup> See the two Reports of M. Basly for the Committee on Mines, on Government Bill adopted by Senate (*J.O., Sénat, Doc. parl.*, 1905, No. 2357, p. 372), and *J.O.*, April 18, 1905, *Chambre, Doc. parl.*, No. 2411, pp. 483 ff.; and *J.O.*, May 15, 1905, pp. 530-532, *Chambre, Doc. parl.*, No. 2440. These provide an *exposé* on proposed legislation. These Reports on Workers' Delegates are supplemented by the Report of M. Baudin for the Committee on Insurance and Social Welfare, on the project adopted by the Senate on the participation of the miners in a pensions system, modifying the law of June 29, 1894; the first Reports dealt with miners' delegates, modifying the law of July 8, 1890. Cf. *J.O.*, July 6, 1905, *Chambre, Doc. parl.*, No. 2568, pp. 763-764; and the Basly Report for the Mines Committee on the Viviani project of March 12, 1908: *J.O.*, February 28, 1910, *Chambre, Doc. parl.*, No. 3151, pp. 197-200; and *Annexes, J.O.*, April 18, 1908, and May 26, 1910. Another Report is that of M. Pelisse for the Mines Committee, examining amendments and resolutions on the Budget relative to increase of miners' pensions: *J.O.*, November 28, 1907, *Chambre, Doc. parl.*, No. 1343; this surveys the Act of June 29, 1894, March 31, 1903, Article 64 of the Finance Act of April 22, 1905 and Article 66 of the Finance Act of April 17, 1906, all dealing with the miners' pensions.

<sup>4</sup> Cf. Report of M. Colliard, p. 483. The *Rapport Colliard, J.O.*, December 27, 1907, *Chambre, Doc. parl.*, No. 1418, is a comprehensive parliamentary report on conditions of labour and patronal organization, and the right of state interference in strikes; this Report covers the Government project on arbitration (*J.O., Chambre, Doc. parl.*, No. 14), and Bills of a similar intent (*J.O., Chambre, Doc. parl.*, 1907, Nos. 184 and 312). The first general Report was in 1904 (*J.O., Chambre, Doc. parl.*, No. 2182).

who believed that the cause of the workers had been greatly helped by the conciliation procedure of the probiviral courts.<sup>5</sup> The progress of the idea of workers' control and responsibility was increasing among the ranks of the miners, and was emphasized in the Reports on Workers' Delegates.<sup>6</sup> There were numerous proposals introduced in Parliament to give a share of the controlling power with regard to conditions of work to the employees themselves.

The mine workers gave valuable support to other important labour Bills in the early years of the century.<sup>7</sup> M. Basly introduced first in 1900 his Bill for an eight hour day for mine workers, which was re-introduced in 1906,<sup>8</sup> along with a Bill to establish a minimum wage in the mines.<sup>9</sup> The Committee on Labour in 1901 accepted the principle of the eight hour day,<sup>10</sup> and the Chamber of Deputies confirmed this principle in the debates on the miners' Bill for an eight hour day from pit to return, which was passed following debates on January 29 and February 5, 1902. But nothing else was done by the legislature until the law of June 29, 1905 on the hours of work for miners, which for the first time in French legislation confirmed by statute the principle of the eight hour day. This was extended to all underground workers by the law of December 31, 1913; and the miners by the threat of a general strike secured the enactment of the Durafour law of June 24, 1919, the practical result of which is a seven hour working day in French mines.<sup>11</sup> The time calculated is

<sup>5</sup> *J.O.*, June 12, 1906, *Chambre, Doc. parl.*, No. 916, pp. 282 ff.

<sup>6</sup> Chapter vii of 1907 Report of M. Colliard for Committee on Labour, and 1904 Report.

<sup>7</sup> A comprehensive survey of Government projects and private members' Bills dealing with the control of the mines submitted from the first to the ninth legislature (chap. iii, pp. 548-552), is given in the definitive *Rapport Sévaès*, for the Mines Committee, *J.O.*, April 1, 1909, pp. 544-570, *Chambre, Doc. parl.*, No. 2431. It reports on the Government Bill for a new mining code (*J.O.*, *Chambre, Doc. parl.*, 1908, No. 2114), introduced by MM. Barthou, Viviani and Caillaux, and the Bill of M. Barron (*J.O.*, *Chambre, Doc. parl.*, 1908, No. 1174), for the nationalization of the mines (chap. vii, pp. 568-570).

<sup>8</sup> *J.O.*, June 12, 1906, pp. 486-487, *Chambre, Doc. parl.*, No. 486; see *Rapport Janet* for Mines Committee, *J.O.*, March 10, 1907, pp. 237-29, and Supplementary Report, *J.O.*, *Chambre, Doc. parl.*, 1907, No. 1120, pp. 950-951 for comment.

<sup>9</sup> *J.O.*, June 12, 1906, *Chambre, Doc. parl.*, No. 29, pp. 484-485.

<sup>10</sup> *Rapport Odilon*, *J.O.*, *Chambre*, December 12, 1901.

<sup>11</sup> The law on hours of work (*durée du travail*) is in *Code du Travail*, Book II, Articles 6-20. Articles 9-13 cover the laws above cited. The Durafour Bill was introduced April 15, 1919 (*J.O.*, *Chambre Doc. parl.*, 1919, No. 6013),

from entrance of first worker to the return from pit to surface. Thus the miners have carried on for the whole of the labour movement a consistent struggle for the limitation of the hours of work. This Act of 1929 did not apply to coal mines only, but to mines of all types, pits and quarries, and in making trial borings, and either for underground or for surface workers. This Act provided that the conditions of employment which must be carried on continuously shall be fixed by administrative regulations, but under the provision that the 48 hours weekly was not exceeded, and that the number of workers affected by such regulation shall not exceed 5 per cent. of the total number of persons employed in each undertaking. This Act made additional provision for workers' co-operation in inspection, providing that extra visits made by miners' delegates, either accompanying mining engineers or controllers of mines, or in consequence of accidents, or to supervise the carrying out of the Act itself, shall be paid for extra, and at the same rate, provided that the monthly allowance for visits shall in no case exceed the wages due for thirty working days. That the wages of workers would not be lowered by the statutory fixing of hours, the Act provided that in no case should the wages of any class of workers under the Act be less than the wages paid in the same circumstances at the date of the promulgation of the Act. The same rule applied to bonuses. This of course had the effect of fixing a legal minimum wage for the workers in mines.

#### SEAMEN'S EIGHT HOUR DAY ACT OF 1919

Before taking up the general law of April 23, 1919, establishing the legal eight hour day in France, the Act of August 2, 1919,<sup>12</sup> "limiting the duration of work of persons of both sexes and of all ages employed on ocean-going vessels to eight hours a day" will be considered. This is done because the Act of April 23, 1919 did not apply to sailors and other persons employed on board, and, like the miners, special legislation had to be enacted for their protection;

and was the basis of two Reports, that of M. Drivet, May 27, 1919 (*J.O., Chambre, Doc. parl.*, No. 6206), and M. Colin, June 17, 1919 (*J.O., Sénat, Doc. parl.*, No. 263). The mining code of France is found in *Législation minière et législation ouvrière. Texte des principales lois.* (4th ed. 1920), published by *Comité Central des Houillères de France.*

<sup>12</sup> *B.M.T.*, 1919, p. 124.

and also, the administration of the Act illustrates the important place international labour conventions may have in domestic legislation. The administrative machinery of the eight hour day is likewise seen in the special legislation for seamen. The delegation of power through administrative regulations is as broad as any Act of French social legislation and is worth pointing out.

The Act of August 2, 1919 established by law that in shipping undertakings of all kinds, whether public or private, the actual duration of work of persons of both sexes and of all ages shall not exceed eight hours a day, or 48 hours a week. The Act provided that the period within which and the conditions under which the law became operative were to be fixed by public administrative regulations for each class of shipping and for each type of employee therein. When any such regulation is not applicable in all waters, it shall contain a specific statement of the maritime districts to which it applies. The Act declares that these administrative regulations shall be issued either on its own initiative or at the request of one or more of the national organizations of ship-owners or seamen concerned. In either case the shipowners' and seamen's organizations shall be consulted, and shall state their views within a month of such consultation. This same procedure shall be observed in revising regulations. It is also mandatory that reference be made in the regulations to agreements between the national or local organizations of employers and workers concerned, where such exist. Here again is an example of the growing legislative recognition of the representative function of employers' and workers' associations, and the whole administration of the law on the eight hour day is based upon this fact.

The Act illustrates a new principle in the administration of French social legislation, that is, the actual control of national administration of an Act by international labour conventions. Article 1 provides that the revision of an administrative regulation shall be compulsory when the time-limits for action and the conditions laid down therein are not in accordance with the terms of international conventions on this subject. The Decree of February 24, 1920,<sup>13</sup> issuing public administrative regulations for the execution of the Act, recognized this principle by granting exemption to merchant and fishing vessels where the law could not be applied

<sup>13</sup> *B.M.T.*, 1920, p. 23.

without substantial alterations of the accommodation assigned to the crew, an exemption only "until an international agreement between France and other maritime nations for the regulation of work on board ship."<sup>14</sup> When the Genoa Conference of the International Labour Organization in 1922 marked a temporary failure in framing an international labour convention on this subject, the French law was temporarily suspended. The Decree of September 5, 1922,<sup>15</sup> declared that the Act of August 2, 1919 was suspended, "as a temporary measure, pending the conclusion of an international agreement between France and the great maritime nations concerning the regulation of work at sea in the mercantile marine."<sup>16</sup> The Geneva Maritime Labour Conference in October, 1929 fortunately advanced this international agreement, and it will soon be possible for international labour conventions to be ratified dealing with this problem. But French action did not entirely wait upon international agreement, for the administrative Decree of March 31, 1925<sup>17</sup> established the three-shift system in the French merchant marine.<sup>18</sup> The views of French workers', employers' and Government delegates at Geneva at the 1929 Maritime Labour Conference are given below.

#### THE GENERAL LAW OF THE EIGHT HOUR DAY

The Act of April 23, 1919 is the general law in France establishing the eight hour working day.<sup>19</sup> It was one of the first post-war Acts of social legislation and its quick passage through the French Parliament was in part due to the feeling that the Government should recognize the workers' loyalty in the hard struggles of the war years. The question however had long been before Parliament. The Act of September 9, 1848—a dead letter—limited the working-time in factories and workshops to twelve hours a day; and, as previously described, the Decrees of August 10, 1899, and the Millerand-Colliard Act of March 30, 1900 had confirmed state regulation. The 1900 Act established a maximum working day of ten hours for all factories and workshops where men and women and children were employed together, and this had the indirect effect of regulating

<sup>14</sup> Chapter VI, Article 23 of 1920 Decree.

<sup>15</sup> *J.O.*, September 15, 1922, p. 9369.

<sup>16</sup> Article 1 of 1922 Decree.

<sup>17</sup> *J.O.*, April 6 and 7, 1925, p. 3492.

<sup>18</sup> *B.M.T.*, 1925, pp. 82-92.

<sup>19</sup> Chapter 2, Book II, Labour Code.

the working-time of adult men. But administration was lax, and the Act of March 28, 1902, supplemented by the Decree of April 30, 1909, allowed extension of working time for certain enumerated classes of work. It has been seen that the mine workers won the eight hour day in 1913, five years later than the English Act of 1908.

The principle was introduced in the administration of the posts and telegraphs first by the Minister of Commerce in his Circular of February 9, 1901, and in the dockyards and naval arsenals by the Circular of M. Pelletan, Minister of War, January 7, 1903. In that same year, November 5, 1903, in the Budget debate, the Government promised to submit a project dealing with the hours of work in all industries. The Committee on the Budget in 1905, in submitting their Report, asked for supplementary credits to allow the introduction of the eight hour day in the manufactures of the state, the reasons for which had been amply given in the debate on the Budget.<sup>20</sup> The question was kept before the French Parliament by the agitation of M. Vaillant, the persistent leader of the Socialists in social legislation; <sup>21</sup> but his Bills combined the minimum wage and an eight hour day; and the Government were not prepared to go so far in one Act. Progress in this direction was indicated in the Report of the Committee on Labour, by M. Justin Godart, which, while rejecting the Vaillant proposals for an eight hour day, declared that the ten hour day which the Government could effectively enforce, was only a step in the right direction.<sup>22</sup> The advance was made in the Government project of M. Colliard,<sup>23</sup> Minister of Labour, and the indirect pledge of before the war was confirmed by the 1919 Act. Again there was the influence of international action, for the Report

<sup>20</sup> *J.O.*, July 11, 1905, pp. 801-802, the Report of M. Dulan; and note debate of February 28, 1905 on the Budget.

<sup>21</sup> *J.O.*, January 13, 1905, *Chambre, Doc. parl.*, No. 2198, pp. 3-6; and, *J.O.*, November 5, 1906, *Doc. parl.*, No. 375, pp. 61-64. The Bills of the Socialist members of the Chamber of Deputies are discussed in the chapter on social legislation and the Socialist Party.

<sup>22</sup> See Reports by M. Godart for the Labour Committee, on law reducing hours of work of adults to ten in industrial establishments: *J.O.*, *Chambre, Doc. parl.*, 1911, No. 967; Supplementary Report on attitude of French Chambers of Commerce, *J.O.*, February 1, 1912, *Chambre, Doc. parl.*, No. 1619, pp. 61-62, and two more Supplementary Reports (*J.O.*, *Chambre, Doc. parl.*, 1912, Nos. 1939 and 2051), before June 25, 1912 when *urgence* was declared for the Bill by the Government.

<sup>23</sup> *J.O.*, April 8, 1919, *Chambre, Doc. parl.*, No. 5960.

presented to the Peace Conference by the Commission on International Labour Legislation put in the first place the regulation of the hours of work, including the establishment of a maximum working day and week. The first question on the agenda of the first annual Labour Conference, at Washington in 1919, was the application of the principle of the eight hour day or of the 48 hour week.<sup>24</sup>

The Act of April 23, 1919, by which the eight hour day was instituted, was preceded by a most thorough discussion by a special joint committee appointed by M. Clemenceau, and by both the Chamber of Deputies and the Senate.<sup>25</sup> The submission of the Government Bill by the Minister of Labour to a joint committee of employers and trade union representatives was an indication of post-war changes in France. The employers opposed the Bill, giving as their reasons that France could not afford to lessen her productive power when she needed it most; and the workers' representatives answered by saying that increased efficiency through management and improved machinery would prove the utility of the reduced working hours. The Government accepted this point of view, for the Act contained the safeguard for the workers that the reduction of the working-time was in no case to be the cause of a reduction in wages. The special Acts of 1919 for the miners and the seamen contained the same provision. This in fact was minimum wage legislation.

The administration of the law is an important point to consider in French post-war legislation.<sup>26</sup> The Act provided that in all industrial and commercial establishments the working-time should be limited to eight hours a day or forty-eight hours a week. The Act applies to public as well as private, clerical as well as non-clerical, educational as well as charitable establishments of an industrial or commercial character. The terms of the law provided that the questions arising out of the application of the principle of the eight hour day were to be settled by regulations of the public administration, after consultation with the employers' and workers' organizations concerned. The administrative orders applying the Act to new industries were to be issued either on the initiative of the Govern-

<sup>24</sup> See Part 5, clause 7, *Report of Commission on International Labour Legislation*, and Section I, Part XIII of Treaty of Versailles, and Annex and Section II of same.

<sup>25</sup> See Report of M. Godart, for the Committee on Labour: *J.O.*, April 10, 1919, *Chambre, Doc. parl.*, No. 5980; and *B.M.T.*, 1919, pp. 288 ff.

<sup>26</sup> Article 7, Book II, chapter II, Labour Code.



ment or at the request of the workers' or employers' associations. The Government was criticized for not enforcing at once the Act over the whole of French industry, rather than making it effective by the Decrees of public administration; but the system of administrative orders has been extensively applied under this Act, new orders being issued each year. The Minister of Labour in 1922 in the debate on the departmental budget declared that the Government had made an effort to carry out its pledges, and the success of the eight hour day in France was assured.<sup>27</sup> In November of that year, 24 Decrees had been issued covering 2,878,506 workers; 2 Decrees, covering banks and insurance companies and electric power companies, had been submitted to the Council of State; 5 Decrees, covering 659,000 workers, had been submitted to the employers' and workers' organizations for approval, for these Decrees have usually been based on collective agreements already in existence; and 11 Decrees covering 884,000 workers were under consideration.<sup>28</sup> This indicates the early progress of the enforcement of the Act. By the administrative Decree of January 16, 1925,<sup>29</sup> the eight hour day was established for the employees of the national railway systems other than drivers,

<sup>27</sup> See two reports by the *Ministère du Travail et de la Prévoyance Sociale*, *Bulletin de l'inspection du travail et de l'hygiène industrielle*, *Vingt-septième année* (1919) and *Vingt-huitième année* (1920). These reports give the discussion in the Chamber of Deputies and the Senate on the eight hour day Act of 1919, and the report of the Mining Committee on the debate on the eight hour day for miners, passed June 24, 1919. Cf. *Hours of Labour in Industry, France* (1922), being Studies and Reports, Series D., No. 6, by the International Labour Office; Herbert Feis, "The Attempt to Establish the Eight-Hour Day by International Action," *Political Science Quarterly*, vol XXXIX, nos. 3 and 4, September-December, 1924. The following are useful: J. Desplanque, *Le problème de la réduction de la durée du travail devant le Parlement Français* (1918), with extended bibliography; J. Cavaillé, *Journée de huit heures. La loi du 23 avril 1919. L'historique—l'esprit—le mécanisme d'application* (1919); G. Guyot, *La loi des huit heures en France et ses conséquences économiques* (1922); Gaston Tessier, *La journée de huit heures* (1923); and, J. Beaudemoulin, *La loi de huit heures. Enquête sur son application et sur les loisirs de l'ouvrier* (1924). The annual report of the Director of the International Labour Office provides an indispensable review with regard to international progress.

<sup>28</sup> See *Lois, Décrets, Arrêtés Concernant la Réglementation du Travail* (1928 ed.), pp. 168-404, for the Decrees issued down to the Decree of August 10, 1928, on application of eight hour day to the tobacco industry. The later Decrees are in the *Bulletin du Ministère du Travail* following publication in the *Journal officiel*. The Decrees to September 15, 1929, may be found in Dalloz, *Code du Travail*.

<sup>29</sup> *J.O.*, January 21, 1925, No. 17, p. 814.

firemen and trainmen whose work was regulated. The law of 1919 allowed for supplementary hours and a longer day in occupations in which the work was intermittent, but the Decree of 1925 substituted, following the English example, and the French Act on mining hours, eight hours' presence for eight hours of actual work.

It is in such changes as this just mentioned, and in the co-operation of workers' and employers' associations, that the value of this system of administration is advocated. The process of revision is simplified, and this is seen in three Decrees issued in 1929.<sup>80</sup> A Decree of July 16, 1929 extended the scope of the Decree of August 6, 1916, applying the eight hour day to the manufacture of biscuits, chocolate and confectionery, to cover rusks, special dietary bread, toasted bread, army biscuits and ship's biscuits. Likewise the Decree of July 20, 1929 extended the scope of the Decree of August 12, 1925 applying the eight hour day to marble cutting, by including the manufacture and decoration of statues and other objects made of plaster, clay, stucco or other plastic materials. A somewhat different administrative change was made by the Decree of July 18, 1929, amending the Decrees of August 17, 1921 and May 5, 1926, which applied the eight hour day to chemists' shops, so as to allow hours lost as a result of the closing of shops on certain public or local holidays to be made up to the extent of 50 hours a year. It is thus in the field of special regulations allowing exemptions, the making up of time, and in Decrees for an individual city, as that for the bakery shops of the city of Sète by the Decree of June 12, 1929,<sup>81</sup> that there is likely to be a break-down in the administration of the law. The co-operation of the workers and the employers with their organizations, the force of public opinion, and the vigilant exercise of the inspection services are all needed to make the provisions of the law effective. Again the pressure of international labour legislation is felt, for when the convention on the eight hour day and its administration is under the scrutiny of the International Labour Office each industrial national will be concerned to see there is no laxity in enforcement. The French manufacturers have already expressed their doubts to the Government about the proper enforcement of an eight hour day in Germany, and the danger to French industry of the eight hour day not being internationally applied in the chief

<sup>80</sup> *J.O.*, July 20 and 25, 1929.

<sup>81</sup> *J.O.*, June 16, 1929, p. 6637; and *B.M.T.*, 1929, pp. 120-123.

industrial countries. The French workers have declared this a false position, especially with regard to Germany, where they maintain it is a known fact that the eight hour day is more strictly enforced than in France.<sup>82</sup> Thus there is the strange paradox of both workers and employers keeping a close watch upon the international convention for the effects it may have upon the administration of the national law. This may lead to a direct co-operation of workers' and employers' associations in each of the great industrial nations which was perhaps not at first seen to be one of the results of international labour legislation. It will certainly mean a closer collaboration in domestic policy.

The administration of the law on the eight hour day has made plain the purpose of the Government in using the associations of employers and workers as responsible agencies of representation. In fact Government action has depended upon joint action on the part of the workers' and employers' organizations. This principle of collaboration was extended further by the Decree of January 16, 1925, adapting law to national railway system, to apply the joint conference method to "any general difficulties which may arise out of the enforcement of this Decree."<sup>83</sup> It provided that the difficulties in the enforcement shall be resolved by the Minister of Public Works, who shall pronounce upon the conclusions arrived at by the director of the labour supervision service after consultation with a tripartite committee consisting of equal numbers of representatives of the Department, the railway companies and workers' organizations or the staff. This Committee is appointed by a Ministerial Order. The eight hour law established by joint agreements is thus administered by joint conference. This principle must be progressively applied, for in the complex problem of industrial processes, the variety of conditions in manufacture, the action of the Government can best take place only when workers' associations and employers' organizations prepare the way for common agreement. This point of view has often been expressed in England with reference to the international labour convention on the eight hour day, especially by the strongly organized railway workers.

<sup>82</sup> Cf. J. Lebas, *L'Assurance Sociale et le Parti Socialiste* (n.d. (1928?) S.F.I.O. publication) pp. 23-24; and Léon Jouhaux's Preface to Eugène Morel's *La production et les huit heures* (1928).

<sup>83</sup> Article 19 of the Decree of 1925.

## THE MINIMUM WAGE IN FRANCE

The problem of the minimum wage in both France and England has been often joined with other schemes of social reform, especially with legislation to reduce the hours of work; and more indirectly with problems of technical education, unemployment insurance schemes and extension of the age of compulsory school attendance. Voluntary organizations in each country have been instrumental in directing the public conscience to consider the cost of sweated industries in terms of health both for the workers and the nation. The beginnings of national legislation on this subject in France were in the Decrees of August 10, 1899, which provided that employees engaged on work under public contract should be paid normal wages equal to the current rate of wages in the district in which the work is carried on. M. Vaillant in 1905 and 1906 presented for the Socialists his Bills for an eight hour day and a minimum wage for all workers and employees of the state. The attitude of the political leaders of all parties in England on this question was given as an example for the French Parliament.<sup>34</sup>

The Socialist Bills for the workers of the state were supplemented by a Bill introduced on the same day for an eight hour day and a minimum wage to apply for all workers.<sup>35</sup> The Bills were separately framed that legislative propaganda might be more effective and also the Bills covered two different types of workers. Both MM. Guesde and Vaillant considered the Chamber of Deputies and the *Journal officiel* a very good place in which to carry on Socialist debates and to publish the programme of their party. M. Vaillant again introduced his Bill in 1910,<sup>36</sup> and also the general Bill for all workers of both sexes,<sup>37</sup> which M. Coutant had sponsored in 1907,<sup>38</sup> and in addition there was in 1910 the Bill of M. Cuny which was framed with the same end in view.<sup>39</sup> M. Coutant stated that the basis

<sup>34</sup> *J.O.*, January 13, 1905, pp. 3-6, *Doc. parl.*, No. 2198; and, *J.O.*, November 5, 1906, pp. 61-64, *Chambre, Doc. parl.*, No. 375.

<sup>35</sup> *J.O.*, November 5, 1906, pp. 58-61, *Chambre, Doc. parl.*, No. 374. Cf. Barthélemy Raynaud, *Vers le Salaire Minimum* (1913), with references to Acts of 1909 and 1912 in England.

<sup>36</sup> *J.O.*, November 17, 1910, *Chambre, Doc. parl.*, No. 469.

<sup>37</sup> *J.O.*, July 5, 1910, *Chambre, Doc. parl.*, No. 261.

<sup>38</sup> *J.O.*, June 11, 1907, pp. 848-849, *Doc. parl.*, No. 469.

<sup>39</sup> *J.O.*, December 5, 1910, *Doc. parl.*, No. 545.

for this legislation was laid by no less an individualist than M. Leroy-Beaulieu in his *Traité d'Economie Politique*.<sup>40</sup> The argument of the Socialist group centred upon the necessity of the state to intervene to assure the workers of both sexes who work to create social wealth a more just division of that wealth. They declared they were convinced that it was the duty of the State to intervene to guarantee the standard of living of all members of the democracy. The Coutant Bill forbade any employer to pay for ten hours' work less than the minimum wage set for the year by the General Departmental Councils in agreement with the *Conseils d'Arrondissement*, after the advice of the Municipal Councils of all France had been given.<sup>41</sup> This after all was not a radical proposal.

Thus over a long number of years the principle of the minimum wage had been discussed in the French Parliament. In fact in 1905 the Ministry of Labour instituted an enquiry into the work of women homeworkers, on which seven reports were issued between 1907 and 1914.<sup>42</sup> The Government in 1909 partially accepted the principle, and the Bill<sup>43</sup> of Comte de Mun for a minimum wage in the homework industries was given over to the Superior Labour Council for study. The Superior Labour Council drew up a Bill providing for the establishment of a minimum wage to women workers in the clothing trade, and the Government on November 7, 1911, two years after the minimum wage law in England had been passed, introduced in the Chambre of Deputies their *projet de loi*.<sup>44</sup> The

<sup>40</sup> The citation was p. 484. Cf. Leroy-Beaulieu, *L'état moderne et ses fonctions* (4th ed. 1911).

<sup>41</sup> *J.O.*, June 11, 1907, p. 849, *Chambre, Doc. parl.*, No. 1043, Articles I and II of Bill.

<sup>42</sup> Cf. *Enquête sur le travail à domicile dans la lingerie* (1907, for Paris), 1908 (Centre), (1909, Nord et Nord-Est), (1911, Midi), and volume V (1911), on General Results of Enquiry. In 1913 there was the Report of *Enquête sur le travail à domicile dans l'industrie de fleur artificielle*, and the final one in 1914, *Enquête sur le travail à domicile dans l'industrie de la chaussure*.

<sup>43</sup> *J.O.*, April 2, 1909, *Chambre, Doc. parl.*, No. 2453. Cf. *Bulletin du Office du Travail*, November, 1902, for summary to that date and in the Senate the Bill passed in 1904 (*Sénat, Doc. parl.*, No. 1639); in Chamber of Deputies the Government Bill proposed by M. Trouillot, Minister of Commerce and Industry (*J.O.*, June 14, 1904, *Chambre, Doc. parl.*, No. 1761) which was covered in the excellent *Rapport Cambon* (*J.O.*, July 6, 1906, *Chambre, Doc. parl.*, No. 220, pp. 902-905; and *Rapport Godart* on night work in laundries (*J.O.*, March 1, 1910, *Chambre, Doc. parl.*, No. 3159, pp. 216-237).

<sup>44</sup> *J.O.*, November 7, 1911, *Chambre, Doc. parl.*, No. 1269; Report of M. Berthod, *J.O.*, January 20, 1913, *Chambre, Doc. parl.*, No. 2472.

principle had been urged upon the Government by men as far apart in party allegiance as the distinguished leader among the Catholics, Comte de Mun, and M. Vaillant, the able leader in matters of social legislation of the Socialists. But it was November 13, 1913 before the Chamber of Deputies passed the Bill. It was then considered by a Senate Committee, their Report of March 30, 1914, recommended certain administrative changes; and finally the Senate, like the Chamber of Deputies, passed the Bill by a unanimous vote, and it became law on July 10, 1915. The French law was manifestly inspired by the English law of 1909 and the long agitation both within and outside Parliament for the sweated worker.<sup>45</sup> The official report on the Government Bill in 1913 estimated that the Act would protect some 850,000 women workers, but administration of the Act has not proved this to be true. In 1926 there were 9,492 establishments under the inspectorate, and these employed 171,121 workers.<sup>46</sup>

The Act of July 10, 1915<sup>47</sup> applied at first only to women homeworkers in the clothing trade (*industrie du vêtement*), this including clothing, millinery, shoes, lingerie, embroidery, lace, feathers and artificial flowers. The principle of the Act is to empower wages boards and expert committees composed of an equal number of workers and employers to establish wage-rates. These wage-rates are publicly posted and are compulsory for all employers in the district and industry in question if after three months from publication there is no protest against them. Protests are carried before the Central Committee on Wages of Homeworkers, attached to the Ministry of Labour, and to facilitate agreement the conciliatory efforts of the labour inspectors are relied upon. The law allows civil action to enforce the Act to the workers themselves and to the trade unions and certain authorized groups. It is readily appreciated that the unorganized state of the homeworkers made them afraid to protest against infringements of the law, and whatever success the

<sup>45</sup> Pic, *op. cit.*, p. 653.

<sup>46</sup> Cf. B.M.T., 1928, "*Resultats au 1er août 1928, de l'application de la loi du 10 juillet 1915 et des décrets sur le travail à domicile*," pp. 300-313.

<sup>47</sup> The law on minimum wage is codified in Book I, Chapter V, Articles 24, 33 to 33n, including amending Acts. The Decrees of September 24, 1915 and September 24, 1919, and the Order of the Minister of Labour fixing the administrative rules of the Central Committee on Wages of Homeworkers are found pp. 119-125, in Annexes to Labour Code (1928). The Act of December 14, 1928, with administrative Order, is found in B.M.T., 1929, pp. 8-22 (*Additions*).

Act has had is due to the duty which the Government placed upon the inspectorate. The recognition of certain groups by the Government who might take civil action to enforce the Act is worth noting. These three groups were *L'Office françois du travail à domicile*, *La Ligue sociale d'acheteurs* and *La Fédération d'organismes du travail pour améliorer les conditions du travail féminin*, the last no longer in existence. Only the first agency has intervened, especially in the first years of administration, and it is from decisions handed down from their appeals that the jurisprudence relative to civil action for payment of minimum wages has been in great part established.

Before the post-war extension of this Act is noted, the influence of war-time regulations should be seen.<sup>48</sup> The fact that during the war strong measures were taken to maintain wage-scales and establish a minimum standard of living for the worker has had a beneficial effect upon French legislation. As early as 1914, the Minister of War by a Circular of November 14 ordered a survey, and, if necessary, a revision of the wages paid by contractors working for the army. The Minister warned that action would be taken against employers, saying, "It is inadmissible that these employers, who receive a very good price for their manufactures, should not be ready to pay a fair wage to those in their employ." The ever-increasing cost of living made it necessary for other warnings to be given, and Circulars of April 7, 1915, April 24, 1915, June 2 and 5, 1918, indicate the serious problem of war labour conditions.

The most effective action was taken in the munition and armament factories by the Decree of January 16, 1917, which set up joint committees to draw up wage-tables and defined the principles which were to guide them. Each table fixed a basic wage, and laid down detailed rates for piece-work and for the different cumulative bonuses. No alterations could be made except by fresh decision of the joint committee, approved by the Minister. Inspection was by the direct control of the issuing authority and was effectively done. The method was soon applied to industries other than the munition and armament factories. The Minister of War by Circulars of March 3 and 23, 1918, adopted such measures in all establishments

<sup>48</sup> Cf. Pic, *op. cit.*, pp. 82-84; Charles Gide (Editor), *Effects of the War upon French Economic Life* (1923); E. C. Shepherd, *The Fixing of Wages in Government Employment* (1923), pp. 154-157, France; and, André Mougin, *Le salaire minimum dans la soierie* (Dijon, 1924).

working for the Ministry. The Circulars of the Ministers of Munitions and Labour, dated February 5, 1918, supplemented by Circulars of March 4 and September 24, 1918, provided that in mines and slate quarries wages should be fixed by joint committees, to whom general instructions were issued as to the principles which should govern their determination of minimum wages, bonuses for output, cost of living bonuses, etc., but who were given complete freedom as to the actual fixing of rates. Thus the precedents were established for procedure in matters of a minimum wage, and the fact that such action was given vigorous administrative support in war years did not altogether lessen its influence for post-war action.

The Act of July 10, 1915 provided that a minimum wage should be paid, determined by the Labour Councils set up by the Act of July 17, 1908, and the administrative Decree of May 10, 1909. Where no Labour Councils existed two committees were to carry out the provisions of the law, the *Comités de Salaires* and the *Comités Professionnels d'Expertise*, each being composed of an equal number of representatives of the employers and workers, chosen by the president and vice-president of the *Conseils de Prud'Hommes*, who are themselves alternately elected from the two constituent groups. Thus on these Committees, as on the Central Wages Committee (composed of employers' and workers' representatives in equal number, and two experts, one of whom must be a lawyer who must also act as president) the principle of professional representation was followed in administration.

By Article 33m of the 1915 Act the benefits of control of wages could be extended by Order to other workers than the clothing industry. A Circular of January 12, 1917, by the Minister of Labour, together with a covering Circular of March 19, 1917 by the Minister of Justice, pointed out that the provisions of the Act could be extended by means of public administrative regulations issued after consultation with the Superior Labour Council; and the Prefects were informed further that men homeworkers in the same industries, if they were earning wages below the *minima* fixed for the women, could appeal to the probiviral courts for an award raising their wages correspondingly.<sup>49</sup> The Act of December 14, 1928, extending

<sup>49</sup> Cf. *B.M.T.*, 1917, p. 35, and *International Labour Review*, vol. IV, No. 2, November 1921, pp. 320-350, "Minimum Wage Legislation for Low-paid Industries in Europe."



the whole Act to men, of course made this procedure unnecessary, but it was an early indication of the development of the minimum wage principle. The first general extension of the Act was by the Decree of August 10, 1922,<sup>50</sup> when seven other categories of home-work were included, these being umbrella, jewellery, funeral dress, etc.; and the second general extension was by the Decree of July 30, 1926, giving protection to six additional groups of workers, including paper and spool workers. This last extension came after the Superior Labour Council had made its study of conditions of home-work in post-war France, and in response to trade union demands. The Decrees ended the controversy regarding the field covered by the original Act, for it specified that the law extended to other industries using homeworkers.

There was agitation from the voluntary associations interested in minimum wage legislation and from the workers for a revision of the Act of July 10, 1915, and the whole question was considered at the 29th Session of the Superior Labour Council in 1925.<sup>51</sup> The Government then acted upon an unanimous report of the Council, the Minister of Labour on November 1926 introducing its Bill,<sup>52</sup> which was adopted by the Chamber of Deputies following the Report of Dr. Chassaing,<sup>53</sup> without debate March 13, 1928. The Senate likewise, on the Report of M. Roustan, without modification passed the Bill December 7, 1928.<sup>54</sup> The Act of December 14, 1928,<sup>55</sup> amending the earlier Act, became Article 33-33n of Book I, Chapter III, of the French Labour Code. The Minister of Labour in his Circular of February 28, 1929,<sup>56</sup> giving the history of the law and outlining its administration, concluded by saying that he knew he did not appeal in vain to the zeal and the spirit of social solidarity of all those upon whose collaboration the success of the law depended, the Prefects, the presidents and members of the Wages and Experts Committees (*Comités de salaires ou d'expertise*), and the

<sup>50</sup> *J.O.*, August 22, 1922, p. 8728; Dalloz, *Code du Travail*, pp. 531-532; p. 762, *op. cit.*, for Decree of July 30, 1926, the second extension of original act.

<sup>51</sup> Cf. 29e Session *compte rendu et rapports de Mlle. Beeckmans sur la législation sur le travail à domicile et de M. Borderei sur le contrat individuel du travail* (1925), *J.O.*, 1926, No. 182, p. 8907, for Decree of July 30, 1926.

<sup>52</sup> *J.O.*, *Chambre, Doc. parl.*, No. 3499.

<sup>53</sup> *J.O.*, *Chambre, Doc. parl.*, No. 5782.

<sup>54</sup> *J.O.*, *Sénat, Doc. parl.*, 1928, No. 694.

<sup>55</sup> *J.O.*, December 15, 1928, p. 3014.

<sup>56</sup> Cf. *B.M.T.*, 1929, pp. 8-22 (Acts and Official Documents Appendix).

labour inspectors, for upon them would rest the duty of changing the living conditions of a large number of workers who for a long time have been victims of what he termed the "sweating system." Administrative rules were laid down by Decree of April 10, 1929.<sup>87</sup>

The changes which the Act of December 14, 1928 made were in accordance with the recommendations of the Superior Labour Council. The Act was extended to all workers, no distinction being kept between male and female, and additional trades were brought within the scope of protection; the three year limit of revision of minimum scales was kept, but the time allowed for protests after publication and for the coming into force of the minimum wage were reduced each from three months to one month. The Wages and Experts Committees were empowered to call into their deliberations the labour inspectors of their districts who place before them whatever information they might have on the trade and the conditions of work, and likewise the Prefect, in the event of no Committees being established, and before he set up a minimum wage for a group of workers was to have the services of the labour inspectors in reaching a decision. This last provision has not been required often, for the report in 1928 shows that Wages Committees have been created in all Departments, in two no decisions having been made, and Experts Committees instituted in all Departments save three, and decisions rendered by them in these except in two instances. "With these rare Departmental exceptions," the Report concludes, "the Wages and Experts Committees have functioned."<sup>88</sup> Between 1925 and 1928 the Departmental Committee on Wages (*Comités Départementaux de Salaires*) had made 84 decisions, and where they function in lieu of the Labour Councils, their decisions likewise must be revised every three years.

The principle of the French minimum wage has been extended by the method in which the Trades Boards Act in England has been the pioneer, the use of administrative Orders; and likewise the administration has been dependent upon workers' and employers' representatives co-operating with the state and with voluntary organizations. The Parliaments of England and France have not

<sup>87</sup> *B.M.T.*, 1929, pp. 114-116 (*Actes et Documents Officiels*), modifying Decrees of September 24, 1915 and September 24, 1919.

<sup>88</sup> *B.M.T.*, 1928, p. 301; see *Bulletins*, Nos. 7-8-9, 1925, 4-5-6, 1927, for record of administration to that time.

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established an arbitrary minimum wage-scale, but they have created the co-operative machinery whereby agreement can be reached between the wage-earners and the employers. This principle is likely in the future to be greatly extended in the settlement of wage disputes.

### THE LAW ON ACCIDENTS AND ITS EXTENSION

England and France have had a common experience in the history of social legislation dealing with accidents to workers. The extension of the law on accidents to include an ever larger number of workers, such as commercial and agricultural employees, and the acceptance of a new principle of professional or industrial diseases, is alike true in each country. This advance was made after both English and French law introduced the new principle of occupational risks and compensation at a fixed rate. The worker formerly had to prove the employer in fault to obtain compensation; but the English Workmen's Compensation Act of 1897 and the French Act of April 9, 1898<sup>59</sup> made the claim to damages upon neither the negligence of the employer or the worker, rather upon the fact of personal injury by accident, arising out of and in the course of employment.<sup>60</sup> The French Act of 1898 has been modified in its provisions and administration by no less than fourteen Acts, from the Act of March 22, 1902 to the Act of August 15, 1929.<sup>61</sup>

The first extension of the 1898 Act was the law of June 30, 1899, which made the Act applicable to agricultural workers in the single case of accidents caused by farm machinery driven by mechanical power. This was a limited concession but nothing else was gained by the agricultural workers until the Act of December 15, 1922,<sup>62</sup> amended by Act of April 30, 1926,<sup>63</sup> applied the law to wage-earning employees in agricultural undertakings of any kind. This Act repre-

<sup>59</sup> Dalloz, *Code du Travail*, pp. 154-165; for administrative Decrees, pp. 165-175; p. 176, Act of June 30, 1899.

<sup>60</sup> Cf. Adrien Sachet, *Législation sur les accidents du travail et les maladies professionnelles* (1st ed. 1909, 6th ed. 1921, 2 vols.), vol. I, pp. 36-43, on England, and pp. 1-25, Introduction.

<sup>61</sup> Dalloz, *Code du Travail*, pp. 1014-1015. The law on accidents, which will be a part of Book II of the Labour Code has not yet been codified, but is brought together with texts and decrees by the Ministry of Labour in the 1928 edition of *Lois, Décrets, Arrêtés*, pp. 478-520.

<sup>62</sup> *J.O.*, December 16, 1922, No. 340, p. 12014; Dalloz, *Code du Travail*, pp. 561-564.

<sup>63</sup> *J.O.*, 1926, No. 102, p. 5042; Dalloz, *Code du Travail*, pp. 751-753.

sented twenty years of persistent effort in Parliament. The 1922 Act on agricultural accidents first passed the French Senate, and it had the support of the Ministers of Labour and Agriculture, who insisted before the joint committees of agriculture and labour that the Chamber of Deputies should accept without amendment the text adopted by the Senate. This demand was supported by the Government including in their Act the important feature of granting state aid to small farmers, the mutual insurance companies receiving from the state each year special subsidies representing not more than half of the contributions from their members. The individual farmer and his family, however, are still left unprotected by the 1926 Act, though not their helpers. The conditions of state aid through subsidies are laid down in public administrative regulations by the Minister of Agriculture.<sup>64</sup>

The original compensation Act related to workers in industrial enterprises, and was amended again by the Act of April 12, 1906<sup>65</sup> to include workers in commercial establishments, and on July 15, 1914<sup>66</sup> the benefits were extended to forestry workers. The extension of the law of 1898 to include domestic servants was passed in 1913, but like the proposal to include agricultural labourers it was held up

<sup>64</sup> M. Mirman first proposed the further extension to include agricultural workers, December 13, 1900; again in 1904 (*J.O., Chambre, Doc. parl.*, 1904, No. 1741), and in 1906 (*J.O.*, November 5, *Chambre, Doc. parl.*, No. 364. The *Rapport Chauvin* for the Committee on Insurance and Social Welfare reported favourably (*J.O.*, February 22, 1907, *Chambre, Doc. parl.*, No. 777), but the *Rapport Chaigne* (*J.O.*, 1907, *Chambre, Doc. parl.*, No. 127), for the Committee on Agriculture, was unfavourable because of the financial requirements. With this in mind a new proposition was introduced by M. Bureaugard (*J.O.*, October 27, 1907, *Chambre, Doc. parl.*, No. 127), which was favourably reported (*Rapport Chauvin, J.O.*, October 13, 1908, *Chambre, Doc. parl.*, No. 2045); taken up again in 1910, it was voted by the Chamber of Deputies May 18, 1915, and following the *Rapport Bienvenu-Martin* (*J.O.*, April 27, 1920, *Sénat, Doc. parl.*, No. 195), it was voted on favourably. Referred back to the Chamber of Deputies, it became the law of 1922. Cf. J. Bouchet, *Manuel de la législation sur les accidents et les sociétés d'assurances mutuelles agricoles* (1924), written from experience of an administrator; H. Bourdeaux, *Code des accidents du travail avec annotations d'après la doctrine et la jurisprudence* (7th ed. 1924), texts and decrees 1898-1923; G. Carrère, *La protection légale de l'ouvrier agricole* (1919). Also Reports from Ministry of Labour: *Contrôle des assurances. Recueil de documents sur les accidents du travail* (1924). *Lois, règlements et circulaires. Exploitations Agricoles. Recueil de documents relatifs à l'application de lois 15 décembre, 1922, sur les accidents du travail agricole* (1924).

<sup>65</sup> Dalloz, *Code du Travail*, pp. 193-194.

<sup>66</sup> *Ibid.*, pp. 387-389.

by the Senate until by the Act of August 2, 1923 this class of workers was given protection.<sup>67</sup> The Workmen's Compensation Act was extended to domestic servants, chauffeurs, governesses, porters, and all persons connected with household services. The protection of young workers and apprentices has been the object of Bills introduced by M. Doizy, February 1, 1912, M. Raynaldi, January 20, 1920, and M. Mazerand, March 17, 1925.<sup>68</sup> As early as 1910 there was strong effort to extend the law to employees of the state,<sup>69</sup> and a Government Bill was introduced by the Minister of Labour, April 7, 1925,<sup>70</sup> to extend benefit to professional workers (*les travailleurs intellectuelles*), and on June 1, 1926,<sup>71</sup> to staffs of all public and private hospitals and other institutions of welfare. The Senate now has these Bills, the Chamber of Deputies having passed them. Before the present French Parliament (1928-1932) there were four Government Bills and sixteen private members' Bills on January 1, 1929.<sup>72</sup>

The Minister of Labour introduced the comprehensive amending Bill of the Government on Workmen's Compensation, January 15, 1925,<sup>73</sup> after long agitation on the part of the trade unions. The

<sup>67</sup> *J.O.*, 1923, No. 208, p. 7586; Dalloz, *Code du Travail*, p. 593. There were two Reports on the Pugliesi-Conti Bill (*J.O.*, May 25, 1908, *Chambre, Doc. parl.*, No. 1737), before it was voted by the Chamber of Deputies, June 25, 1913: the *Rapport Chauvin*, *J.O.*, July 7, 1909, *Chambre, Doc. parl.*, No. 2659, and the *Rapport Lairolle*, *J.O.*, December 26, 1911.

<sup>68</sup> *J.O.*, March 17, 1925, *Chambre, Doc. parl.*, No. 1422, p. 636; included in *Rapport Gros*, along with other proposals, *J.O.*, July 7, 1926, *Doc. parl.*, No. 3159; *J.O.*, December 20, 1927, No. 5237, the second Report by M. Gros.

<sup>69</sup> See *Rapport Charpentier*, *J.O.*, March 17, 1910, *Chambre, Doc. parl.*, No. —, pp. 369-372.

<sup>70</sup> *J.O.*, April 7, 1925, pp. 636 ff., *Chambre, Doc. parl.*, No. 1543. Reported in two *Rapports Gros*, *op. cit.*

<sup>71</sup> *J.O.*, June 1, 1926, p. 743, *Chambre, Doc. parl.*, No. 2931; *Rapport Fie*, *J.O.*, November 19, 1926, *Chambre, Doc. parl.*, No. 3563. Adopted by Chamber, January 21, 1927, it was introduced in the Senate (*J.O.*, January 27, 1927, *Sénat, Doc. parl.*, No. 6), and Reported by M. Dudouyt, December 21, 1927 (*J.O.*, *Sénat, Doc. parl.*, No. 735).

<sup>72</sup> See *Bulletin du Ministère du Travail*, Nos. 1-2-3 (January-March), 1929, pp. viii-ix, "Etat au 1er janvier 1929, des projets et propositions de loi relatifs aux questions ouvrières et sociales soumis à l'examen du Parlement." See *Rapport Delcourt* (*J.O.*, *Chambre, Doc. parl.*, 1929, No. 1769), for Committee on Insurance and Social Welfare, giving statistical history (pp. 787-795), upon which the Act of August 15, 1929 established the scale of adjustments.

<sup>73</sup> *J.O.*, January 15, 1925, *Chambre, Doc. parl.*, No. 1042, p. 54; two Reports by M. Gros (*J.O.*, July 7, 1926, *Chambre, Doc. parl.*, No. 3159; *J.O.*, December 20, 1927, *Chambre, Doc. parl.*, No. 5237); and *Avis* of M. Levasseur (*J.O.*,

consolidating English Act on Workmen's Compensation was passed in the same year; both France and England had post-war problems of adjusting compensation scales, the last in France being the Act of August 15, 1929 which raised as from January 1 of that year compensation allowances. The amending Bill of the French Government was passed December 22, 1927, and it has been before the Senate since that time.<sup>74</sup> The revising function of the Senate, as well as their power to delay legislation, is seen in the fact that this Bill has been referred to four different Senate Committees for advice and revision. The Government Bill was strongly opposed by the employers' associations, while the trade unions accepted it.<sup>75</sup>

The progress of workmen's compensation insurance is indicated in this Bill when it is contrasted with the legislation of 1898. This Bill states that the Act will apply to "all persons engaged in paid or payable work for an employer with whom they have made a contract for services or apprenticeship and under whose control they work." The Bill introduced the important innovation that an injured person shall be provided with all necessary apparatus, and that these shall be provided and kept in good order at the expense of the employer; and also injured persons are granted the right to vocational training in cases where they cannot continue their former trade or can do so only after fresh training.

The consideration of the new principle of industrial diseases will indicate the development of this phase of accident insurance.

#### INDUSTRIAL DISEASES

There has been no more general application of the principle of state intervention than is recorded in the constant extension of the law on accidents, and its most recent manifestation in protecting the worker against the particular risks of his trade has a very wide social significance. It is essentially a characteristic of present day industrial-

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March 10, 1927, *Chambre, Doc. parl.*, No. 4093), and of M. Arthur Chaussy (*J.O.*, March 10, 1927, *Chambre, Doc. parl.*, No. 4110). The Acts of July 15, 1922, June 30, 1924, July 16, 1926, July 19, 1927, March 24, 1928 and August 15, 1929, indicate post-war compensation adjustment.

<sup>74</sup> Transmitted to Senate January 17, 1928 (*Sénat, Doc. parl.*, No. 15), where it has been before Committees.

<sup>75</sup> See *Les Accidents du Travail et les Maladies Professionnelles* (1928 ed.), issued by the General Confederation of Labour, for trade union commentary on law of accidents.

ism, and the state has put this new obligation upon the costs of industry. The variety of risks which are involved in the complex industrial system today has made the worker seek special provision for his welfare. It is in the provision for the inclusion of professional diseases within the benefits of the French law of 1898 that the most remarkable advance of social legislation with regard to conditions of work has been made. There is the recognition by the state of the claims of the worker against the special risks of his employment.

The first most thorough effort in France was in the Breton Bill introduced in 1901<sup>76</sup> by one of the best known leaders in social legislation, and this effort was supported by MM. Briand, Jaures and Vaillant. It was strongly urged in 1903,<sup>77</sup> and this induced M. Dubief, Minister of Commerce and Industry, succeeding M. Millerand, to accept this Bill as a Government measure, and as such it was introduced in 1905<sup>78</sup> and 1906.<sup>79</sup> Amended and greatly improved by its progress through the various committees, the Government Bill finally became law on October 25, 1919,<sup>80</sup> and went into effect January 27, 1921.

The Act provided that the law of April 9, 1898 "concerning responsibility for industrial accidents shall be extended to industrial diseases." A schedule to the Act enumerated the industrial diseases of lead and mercurial poisoning to which the Act applied at first, and this brought 32 occupations under the benefits of compensation. Acute or chronic diseases were deemed by the law to be industrial

<sup>76</sup> *J.O.*, December 5, 1901, *Chambre, Doc. parl.*, No. 2810.

<sup>77</sup> *J.O.*, July 3, 1903, pp. 2032-2053, *Chambre, Doc. parl.*, No. 1159.

<sup>78</sup> *J.O.*, May 16, 1905, pp. 532-539, *Chambre, Doc. parl.*, No. 2447; and in the 1905 session may be added two other Bills (*J.O.*, *Chambre, Doc. parl.*, 1905, Nos. 2439 (p. 530) and 2396 (p. 407)).

<sup>79</sup> *J.O.*, June 14, 1906, pp. 557-564, *Chambre, Doc. parl.*, No. 88. In 1907 the Breton Bill was revised and reintroduced (*J.O.*, *Chambre, Doc. parl.*, 1907, No. 2287) and note *Rapport Breton* (*J.O.*, March 22, 1907, *Chambre, Doc. parl.*, No. 888), and for 1908 (*J.O.*, *Chambre, Doc. parl.*, S.E., No. 2169). Also *Rapport Chauvin* and the *Avis* from Agricultural Committee on industrial diseases (*J.O.*, *Chambre, Doc. parl.*, 1908, No. 2190, p. 223 (S.E.), and, *J.O.*, *Chambre, Doc. parl.*, 1909, S.O., No. 2304, p. 125), together with Supplementary Report by M. Chauvin (*J.O.*, *Chambre, Doc. parl.*, 1909, No. 2507, p. 1177). See *J.O.*, December 1, 1903, *Chambre, Doc. parl.*, No. 1336, for the Bill which the Senate submitted to the Chamber of Deputies, which was the basis of the *Rapport Mirman* (*J.O.*, *Chambre, Doc. parl.*, 1903, No. 1337); and the *Rapport Chovet* (*J.O.*, December 1, 1903, *Sénat, Doc. parl.*, No. 299), is a commentary on four Bills sent up by the Chamber of Deputies.

<sup>80</sup> *J.O.*, October 27, 1919, p. 11973; Dalloz, *Code du Travail*, pp. 431-435.

diseases when they attack workers normally engaged in the industrial occupations liable to give rise to them. It was enacted that the list of industrial diseases to which the Act applied could be extended, and, the schedules listing the revised and supplemented occupations, applied by further Acts. The Decrees of July 8 and December 31, 1920 laid down the public administrative regulations of the Act.<sup>81</sup> The Decree of May 4, 1921 provided for the compulsory reporting of cases of poisoning under this Act, and the Decree of February 19, 1927, repealing this Decree, extended the Act by providing for the compulsory reporting of diseases arising from the use of various other poisons than the ones set forth in the first schedules.

When the law of 1919 was passed it was plainly just a beginning in a field of accident insurance which is complicated by unusual difficulties of administration. There has been since 1921, when the law went into force, an increasing number of cases reported each year to the Ministry of Labour, and this is taken by the Minister to mean a better observance of the law.<sup>82</sup> There were 144 cases reported in 1921, 797, in 1922, 1,025 in 1923, 1,249 in 1924, 1,343 in 1925, 1,505 in 1926, and 1,040 in 1927. There is a Government Bill before the French Parliament at the present time, favourably reported by Labour Committee, May 31, 1929, to revise and extend the Act of 1919 so as to include more industrial diseases within the benefits of compensation, and this is an evidence that ten years of administration

<sup>81</sup> The text of the Act and the Decrees are given in *Lois, Décrets, Arrêtés* (1928 ed.), pp. 509-520. See *Bulletin de l'Office du Travail*, 1904, pp. 611-618, "L'Assimilation des Maladies Professionnelles aux Accidents du Travail," for an early survey of the field. In 1907-1908 five Bills on the law of accidents were introduced in Chamber of Deputies: Bills Nos. 127, 1340, 1389 (*S.E.*, 1907, pp. 30, 310, 344, *J.O.*, *Chambre*); Nos. 1663 and 1737 (*S.O.*, *Chambre*, 1908), *J.O.*, pp. 306, 422. In the session of 1908-1909 there were seven new Bills. Cf. Sachet, *op. cit.*, vol. II, pp. 499-533; and his *Traité théorique et pratique de la législation sur les accidents du travail et les maladies professionnelles*, vol. III (1924), a comprehensive commentary. The last section deals with jurisprudence and legislation on labour accidents (texts of laws, decrees, etc.) from 1920 to 1924. The Fié Report (No. 1723, *Chambre, Doc. parl.*, 1929) is the last comprehensive parliamentary Report.

<sup>82</sup> For administration of law for years 1921 and 1922 see *B.M.T.*, 1924 (Jan.-March), pp. 3-8, and *op. cit.*, Nos. 1-2-3, 4-5-6, 1928, pp. 42-46, pp. 158-165, for administration in 1926 and 1927. The Act of July 15, 1926, amending Act of 1919, was merely an extension of time for five more years for the drawing up of mortality tables by insurance funds. It did not affect the principle of the Act.



French workers employed abroad. These international labour conventions on accidents to workers are with Belgium (February 21, 1906), Italy (Arrangement of June 9, 1906), Luxembourg (June 27, 1906), England (July 3, 1909), Republic of Saint-Marin (August 9, 1917), Poland (September 7, 1919), and Czechoslovakia (January 14, 1921).

### HOUSING LEGISLATION

Legislation in England and France on the housing of the working class is briefly sketched in this study because it is one means of illustrating the intervention of the state in an important aspect of the life of the workers in both countries. The debates on housing, especially in England, have been a running commentary on the condition of the people. Likewise the history of housing legislation in France, as in England, shows the triple co-operation of the state, voluntary organizations, and the workers or the public. The progress also of public health administration is an integral part of the movement in each country; the expression *habitations à bon marché*, says M. Bry, is a bad one, it is rather *habitations hygiéniques*.<sup>85</sup> The creation of special advisory Councils under the Ministry of Labour, and formerly under the Ministry of Health, have indicated this idea. The Superior Council on Public Health in France (Decree of June 19, 1906, January 27 and March 31, 1920); the Consultative Committee on Industrial Hygiene (Order of December 11, 1900); and the Superior Council on Cheap Houses (Acts of November 30, 1894, and April 12, 1906 and Decrees of January 10, 1907 and May 25, 1913), may be specially mentioned.

This last Council (*Conseil Supérieur des Habitations à Bon Marché*) was created by the first measure in France dealing with cheap housing,<sup>86</sup> which provided exemption from certain land taxes as well as instituted committees for encouragement of cheap housing in the Departments and municipalities. The Act of 1894 was ab-

<sup>85</sup> Bry-Perreau, *op. cit.*, p. 829, also pp. 828-848, and, Pic, *op. cit.*, pp. 957 ff.

<sup>86</sup> See the *Rapport Bonnevey* for the Committee on Insurance and Social Welfare, charged with examination of the Government Bill modifying the Act of April 12, 1906 (*J.O., S.E., Chambre, Doc. parl.*, 1911, No. 1368, pp. 254-256), the Bills of M. Sembart (*J.O., Chambre, Doc. parl.*, 1912, No. 1622, p. 64), and M. Marin (*J.O., Chambre, Doc. parl.*, 1912, No. 1773), for a survey of French and foreign legislation and the reasons for the Government Bill (*J.O., March 29, 1912, Chambre*, pp. 768-812).

rogated by the Strauss Act of April 12, 1906,<sup>87</sup> which extended the working of the original Siegfried Act encouraging associations building cheap houses, and it also included provisions dealing with playing fields and allotments. The Ribot Act of 1908 extended yet further the application of the Act of 1906, for its intention was to encourage large regional societies in the building of small houses.<sup>88</sup> The Departments and municipalities were authorized to give assistance to the cheap housing movement by (1) granting loans to the housing associations, (2) purchasing bonds of the associations, (3) providing them with land free or at a reduced price, and (4) guaranteeing the rate of interest on sums borrowed by such associations. Exemption privileges were extended to plots of ground with an area of not more than seven acres if attached to houses, or ten acres if not so attached. Before this Act was modified by the Act of February 12, 1912, which aimed primarily at the need of the agricultural worker, the law of March 19, 1910 had permitted long term credits for the housing of the agricultural population.<sup>89</sup> The Minister of Labour, M. Renoult, was responsible for the Government Bill modifying the Ribot Act of 1908, which was subsequently changed by the Act of February 11, 1914, and October 28, 1919. The Act of 1906 was amended by the Acts of April 10, 1908, July 13, 1911 (article 3), December 23, 1912, February 11, 1914, July 29, 1916, March 31 (article 14), April 24, May 17 and October 24, 1919.

The law of December 23, 1912, amending the Act of April 12, 1906, modified the maximum rental value laid down for the definition of cheap dwellings, and went much further than any previous legislation by creating new bodies known as Public Housing Officers (*Offices Publics d'Habitations à Bon Marché*), for the Departments, and providing for the special work of the *Comités de Patronage des*

<sup>87</sup> See *Rapport Strauss* on the Government Bill to amend Act of November 30, 1894 (*J.O., Sénat, Doc. parl.*, March 23, 1905, No. 81, pp. 329 ff., and Supplementary Report, *J.O., Sénat*, January 23, 1906, *Doc. parl.*, No. 3, pp. 1 ff.). See *J.O., Sénat*, March 18, 1904, *Doc. parl.*, No. 80, for Government Bill; for administration of Act of 1894 see *J.O.*, April 2, 1904, and *Bulletin de l'Office du Travail*, 1903, pp. 527-531 and p. 480.

<sup>88</sup> See Government Bill by Minister of Labour amending Act of April 12, 1908, together with *exposé of reasons* (*J.O.*, December 2, 1911, *Chambre, Doc. parl.*, No. 1408, S.E., pp. 301-302); and *Rapport Bonnevey* on Bill (*J.O.*, December 21, 1911, *Chambre, Doc. parl.*, No. 1515, S.E., pp. 523-525).

<sup>89</sup> See *J.O.*, February 20, 1904, *Chambre, Doc. parl.*, No. 1530, for *Rapport Colet* on creation of a central credit bank for agriculture.

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*Habitations à Bon Marché et de Prévoyance Sociale.* The Act of 1906 did not forbid state aid, but the tendency of the *Conseil d'Etat* had been resolutely hostile; up until this measure the state had confined itself to giving financial assistance to the building societies set up by private initiative; but by the law of 1912 the public authorities themselves were enabled through the Public Housing Offices to take part in the provision of healthy and cheap houses. The former purpose was made plain in the provision that no exemption or reduction in taxation was granted unless the houses constructed met a satisfactory standard of hygiene and sanitation; and the Committees of Patronage on Cheap Houses and Social Welfare were empowered to inspect the houses and to issue sanitary certificates. These committees in the Departments consist of 9 to 15 members, with 18 for the Department of the Seine; they work in conjunction with the Superior Council on Cheap Houses, which is attached to the Ministry of Labour. Because of the financial relationship of these Councils to housing and their control by the Ministry of Labour with reference to such, the following should be noted: *Conseil Supérieur des Caisses d'Épargne* (Act of July 30, 1895), *Conseil Supérieur des Sociétés de Secours Mutuels* (Act of April 1, 1898, Decrees of February 28, 1898 and May 29, 1905, and the *Conseil Supérieur de l'Assistance Publique* (Decree of February 28, 1909).

The parliamentary Reports on housing in France before the war, so far as their survey of foreign legislation is concerned, are a history of such legislation in England.<sup>90</sup> M. Jules Siegfried in his Report for the Committee on Health on the Government Bill for expropriation for reasons of health especially pointed out the existing legislation on the subject in England. He and M. Strauss, another leader in housing legislation in the history of French social legislation, pointed out in their Reports that in France as in England it was necessary for the public authorities to aid, and even actively to direct at times, the housing of the people. Each law that was enacted included within its scope larger social interests, the benefits being shared by the whole of the nation. It was class legislation which was universally sanctioned. Since the war there have been unusual developments.

<sup>90</sup> See *Rapport Bonneuay, J.O.*, March 29, 1912, *Chambre*, pp. 784-786; *Rapport Siegfried, J.O.*, January 19, 1912, *Chambre, Doc. parl.*, No. 1592, pp. 29-46; *Avis* from the Budget Committee, by M. Chéron, *J.O.*, July 9, 1912, *Chambre, Doc. parl.*, No. 2152, pp. 1526-1531.

## POST-WAR LEGISLATION

War-time Acts of course are significant for other reasons, but their history in France is the same as in England. They have had a permanent influence on legislation. The Rent Moratorium Decree of August 14, 1914 was often amended; the Act of March 9, 1918 on leases was extended by the Act of October 23, 1919, and later by Act of June 29, 1929; the Profiteering Act of August 20, 1916, was extended by the Act of October 23, 1919; and all of these were amended and brought together, with other acts on housing, in the Act of March 31, 1922, which in turn was extended to 1926 by the Act of December 30, 1923. The Act of April 1, 1926 continued the provisions of 1929. The most recent Acts in France are the Acts of July 13, 1928 and June 29, 1929, the first a general housing Act and the latter a continuation of rent restriction legislation. An amending Act of March 15, 1928 provided for the re-planning of faulty lay-outs and supplemented the Town-planning Act of 1924.

The Act of June 29, 1929 relating to the protection of tenants confirmed the principle of state intervention established in earlier rent restriction and housing Acts. The Act of April 1, 1926, extending earlier legislation, provided for the extension of leases up to April 1, 1931, and rents were fixed up to April 1, 1929, when a new Act was to determine the state policy. The Parliament of 1929 re-opened the whole question in long debates, and considering the housing crisis was still unsettled, extended regulation of rents and leases down to 1939. Further the Act extended exemption of taxation, for a period of 15 years, to all buildings which will be completed before July 1, 1939.

In both France and England the special situation with regard to the agricultural worker has been the subject of much discussion, and in France it has provoked strong feelings among the landowners and among the voluntary organizations, such as the National Cheap Housing Society and the National Council on Agricultural Labour. The significance of the problem of housing for agricultural workers is attested by the fact that it was on the agenda of the Third Session of the International Labour Conference (1921) and was taken up by the Public Health Interchange of the Health Section of the League of Nations in 1928. As far back as December 22, 1922, a Bill relating to the housing of agricultural workers was passed, and

the main provision was the simple prohibition of agricultural workers sleeping on straw. A Bill introduced in June 1924 by M. Chaussy, in the Chamber of Deputies, provided for the prohibition of sleeping accommodation for persons in stables or other buildings in which animals are housed. The original Bill was passed with changes by the Senate in June, 1929, and quickly passed the Chamber of Deputies after consideration. Its provisions for administration follow the determined French prejudice for piece-meal enforcement. This is perhaps made necessary by the conservatism of the agricultural interests and the almost completely unorganized condition of the agricultural workers. Under this new Act, passed July 31, 1929,<sup>91</sup> public administrative regulations will decide for each agricultural district and, if necessary, for each kind of undertaking, the general hygienic conditions with which the housing of wage-earners in agricultural undertakings must comply, especially with regard to ventilation, lighting, sleeping accommodations and the general facilities provided. These measures must be required within eight months from the publication of this Act and put in practice within one to three years, varying with the amount of arable and meadow land in an undertaking.

The Act of October 24, 1919, brought the Acts of 1906-1912 up to date, and provided that the state might advance through the mortgage banks not more than 200,000,000 francs, and the Bank of Deposits and Consignations, under Government supervision, might advance not more than 300,000,000 francs to such enterprises. Parliament further authorized Departments and communes to purchase and re-sell, after subdivision, lands and rural estates, the communes to acquire the lands under the Act of April 5, 1884, and the Department to be limited to the budget prepared by the Prefect and especially authorized by the Departmental Committee. The purpose of the Act of September 5, 1922, the codifying Act on cheap housing and small properties, was stated to be "to encourage the building of cheap and sanitary houses for persons of small means." The Act of July 13, 1928<sup>92</sup> in consolidating legislation confirmed this principle anew.

The fact of importance from the first Act in 1884 to the latest amending clause is the growing recognition of the conditions which

<sup>91</sup> *J.O.*, August 3, 1929; Dalloz, *Code du Travail*, pp. 1012-1014.

<sup>92</sup> *J.O.*, July 17, 1928.

allow larger powers to public bodies to collaborate in the housing of the people, by loans or subventions. The use of the National Deposit and Loan Fund, as well as other special funds of associations on a mutual or co-operative basis, has meant that the legislature associates the action of all groups in the work of social improvement. The law of March 12, 1920, which has been referred to, allowed the trade unions the important innovation of the use of funds for building houses, buying land for workers' gardens and for purposes of physical education and health. The Government early after the war attempted to stimulate co-operative action. M. Paul Strauss, Minister of Health, issued a Circular on February 10, 1922, to the Prefects of France concerning the collaboration of mutual benefit societies in the work of improving housing conditions.<sup>93</sup> The Act of March 21, 1913 provided that Section 3 of the Housing Act of December 13, 1912 should be applicable to the mutual benefit societies, so that societies and federations of mutual benefit societies may, at their own request, by means of a Ministerial Order, and after consultation with the Superior Council on Working Class Houses, become entitled to receive state credit. The Minister asked the Prefects to remind mutual benefit societies of their privileges and to urge the societies to take vigorous action in the matter ; for "the co-operation of mutual benefit societies, with all their resources, and all their strength and their spirit of devotion and altruism may within a very short time produce very considerable results both from the point of view of actual building and from that of the moral influence which they are able to exercise."

This Circular is a commentary on the growing emphasis of collaboration in social legislation and its administration ; and it was re-interpreted by the Circular of the Ministry of Health, which it will be recalled was at that time separate from the Ministry of Labour, to the Prefects on the part of the workers' and employers' associations could play in the building of working class houses.<sup>94</sup> The Minister pointed out that these organizations could encourage their members to form building societies and credit associations. He said that they could help in the administration of the Public Housing Offices, reminding the Prefects that the Act of December 23, 1912 empowered the workers' and employers' organizations to take part

<sup>93</sup> *J.O.*, February 11, 1922.

<sup>94</sup> *J.O.*, March 1, 1922.

in the administration of these offices, as it provided that the administrative council of each office shall include one member each elected by the organizations in the district concerned. The Minister emphasized that the Act of March 12, 1920, on trade unions, extended the civil powers of employers and workers through their organizations allowing them to play a direct part in the building of working class houses. The Circular mentioned the specific rights authorized by the Act for the trade unions to use part of their funds for this purpose and for the acquisition of land for workers' gardens and playgrounds. The Minister concluded by requesting the Prefects to report to him what the employers' and workers' associations had done and what they purposed to do with regard to working class houses, especially under the Act of March 12, 1920. Again the French Government plainly showed its purpose to use the professional organizations to carry out their programme of social legislation.

This principle of collaboration was again applied when the French Department of Building and Public Works convened a congress on cheap houses on March 1, 1929 in Paris. The aim of this congress, which was attended by more than 600 experts, was to study the means of application of the Act of July 13, 1928 relating to cheap housing. Of especial interest was the conviction of the congress that there should be a widespread diffusion of individual ownership and that provision should be made to help all persons to achieve this, and that also all building plans should include a certain minimum of comfort. This latter point is emphasized in the programme of building of the Paris Municipal Council, under whose control 18,000 cheap dwellings and 20,000 "average" dwellings will be constructed in the next five years. The Act of August 27, 1924 authorized the city of Paris to borrow at a maximum rate fixed by the Minister of Interior, the sum of 300,000,000 francs, for the construction, purchase, or improvement of cheap dwellings; and the Act of 1928 further provided for the programme of building of the Municipal Council. The Council is endeavouring to provide a somewhat higher standard of comfort than the public administrative regulations lay down as a minimum. This is a commentary on working class progress.

This Act is one of the best examples in French social legislation of the dependence of the Government upon occupational organization for adequate administration of a law. The success of the law

has depended upon agreements between the most representative employers' associations and the trade unions, which, being reached by joint agreement, were enforced in the particular industries and districts covered by the state. This principle was given additional support by the Act of December 29, 1923,<sup>95</sup> which introduced the new feature of compulsory closing, and made the application of the law depend upon the agreements between the employers' and workers' organizations in a stated occupation and a stated district. The Act implied the necessity of the existence of occupational organization, and is indicative of the importance of these agencies in French social legislation.

### WEEKLY REST DAY

In common with nearly all the laws of this century, especially Acts introducing a new principle in social legislation, the Act of July 13, 1906, establishing in France the principle of the weekly rest day (*Repos Hebdomadaire*), had a long history.<sup>96</sup> The Chamber of Deputies accepted the principle on March 22, 1902, by a vote of 422 to 10, and as soon as it became law there was a general effort by private members and by the Government to increase its usefulness. In the session of 1907 there were no less than 10 Bills introduced in the Chamber of Deputies seeking to modify the Act of 1906.<sup>97</sup> The Act was extended to the workers of the central markets in Paris by the Act of April 4, 1914, and in spite of the indifference of the workers and the employers its administration has been increasingly more effective. The Act has been enforced in proportion to the support which the workers' and employers' organizations have co-operated with the state in accepting the Act and making its provisions applicable to the workers. The original Act established the principle

<sup>95</sup> Article 43a, Book II, Labour Code. This view is elaborated in the study of J. M. Janvier, *Organisation professionnelle et repos hebdomadaire. Loi du 29 décembre 1923* (1928).

<sup>96</sup> The law on the Weekly Rest Day is chapter IV, Title I, Book II, Labour Code. The administrative regulations in Decrees from August 24, 1906 are in *Lois, Décrets, Arrêtés*, pp. 405-417.

<sup>97</sup> The *Rapport Berry* in 1902 was the first Report, and this is summarized in the excellent parliamentary Report of M. Sévaës, for the Committee on Labour in 1908, when he reported M. Viviani's Government Bill (*J.O.*, March 31, 1907, *Chambre, Doc. parl.*, No. 1007, pp. 444-446), and Bills Nos. 385, 406, 440, 631, 864, 865, 891, 892, 895 and 954, Parliamentary Documents of 1907 of these numbers. The Sévaës Report provides history and commentary.



that the weekly rest day should be on Sunday, but many exceptions were allowed, and like the principle that the rest day must represent continuous time away from employment, was not universally supported either by workers or employers. The tightening up of administration was indicated by the amending Act of February 16, 1922,<sup>98</sup> modifying Article 36 of the Labour Code, which laid down the rule that a branch of an establishment could not be considered as equivalent to an establishment. Administration was thus improved by narrowing the necessary scope of inspection of the Act.

#### THE WORK OF WOMEN AND CHILDREN

There is perhaps no part of the existing labour code in either France or England which has met with such general agreement as that which deals with the protection given to women and children in industry. It is not only important as labour legislation protecting a large number of women and children as wage-earners; but such legislation is a commentary on the progress of national standards of health and security for the whole population. It is social legislation in its wide meaning. There is difficulty in estimating how much the change which legislation has made in the conditions of work for women and children is due to a general higher standard of education and of public health, and what is directly due to intervention in the industrial system by the state. The twentieth century has placed a new value on the whole of child life which was not known even in well-protected groups of the community when factory legislation was first introduced. The advance of standards of public health and education and the active participation of women in duties of citizenship sharply separate the beginning of the second quarter of this century from the same period in the nineteenth. Though there are protests today, more marked in England than France, from feminist groups who maintain that the only permanent security of the women worker and her wage is in being treated exactly as the male worker, there is no indication that the Ministries of Labour in either country consider that the time has yet come where this is even a practical question for parliamentary discussion. The Home Secretary, in charge of administration of Factories Act, so declared himself in 1929. Millerand in 1900 pointed out that to regulate the work of

<sup>98</sup> *J.O.*, February 18, 1922, p. 2054.

women and children was an indirect way to control the conditions of work for men. The general acceptance of interference with regard to the work of women and children in both England and France has helped to prepare the way for the much more controversial question of the law regulating the work of adults males. It is then worth while to note what special conditions have been established by the French Parliament for the work of women and children.

The first Act of the twentieth century was that of March 30, 1900<sup>99</sup> which established the maximum working-time of ten hours for all factories and workshops where women and children were employed. A beginning had been made in the first French law controlling factory work as far back as the Act of March 22, 1841, which made the legal age eight years of young workers for employment in factories. But the real beginning of French social legislation was the Act of May 19, 1874, which for the first time assured any protection to the young workers and women by providing an organized service of inspection. This 1874 Act fixed the age of admission of children in manufactures at 12 years, and the maximum working-time allowed was the twelve-hour day. Even this law allowed children from ten to twelve to work six hours a day in certain industries, and the Act of 1874 applied only to children up to the age of 16. Night work was forbidden to boys under 16 and to girls under 21, while underground work in the mines was forbidden to female workers of all ages and to children under twelve. There was an effort in the Chamber of Deputies to secure for women workers the legal protection given to children, but the Senate was strongly opposed to the principle of the limitation of hours. However the Act of November 2, 1892 did make the maximum working day for women 11 hours. There were thus four different legal working days established, and the enforcement of the law with regard to children or women or adult men was next to impossible. The law of 1900 remedied this evil by applying the maximum working-time of ten hours to all factories and workshops where men were employed together with women and children. Progress in administration was again made when the Act of December 29, 1900,<sup>100</sup> which required seats in all establishments for women employees, put these commercial houses under the control of inspectors of labour.

<sup>99</sup> See Labour Code, Book II, articles 6-8.

<sup>100</sup> See Labour Code, Book II, articles 76 and 91.

This Act of December 29, 1900 began the extension of protective legislation to all categories of workers, for it was the first time that commercial employees were brought under the administrative control of the labour inspectors and their protection of health considered along with other workers. These provisions were favourably extended, as is noted below, especially in the forbidding of certain work to women and children. In the Ministerial Circular of May 17, 1900, completing the administrative rules of the Act of March 30, 1900, Millerand defended the principle of protection for all workers, pointing out that if there is not unity of administration in applying the laws to all workers—men, women and children—no real improvement in the condition of the workers is secured. This Circular is one of the best of the many administrative documents of Millerand's Ministry, and, as nearly all of them, gives an historical outline, indicating the continuity of the legislation he has in mind.<sup>101</sup> The importance of the law of March 30, 1900 establishing the principle of the ten hour day in mixed establishments, was that the state had intervened to fix the hours of labour by statute. This was evident when Millerand affirmed in the Circular that "the regulation of the work of adults is the corollary, the necessary complement of that of the work of women and children." The experience of England and France is in common here; it has been shown that only on this basis can adequate inspection and enforcement of labour laws be obtained. The phrases used to describe this last Act by the responsible Minister were that the Act was above all "a measure of moralization, of solidarity and of social pacification."

The progress of legislation since the Acts of 1841, 1874 and 1892 can be quickly seen in the provisions of the Labour Code dealing with conditions of work for women and children, and in the Decrees which have issued under the authority of the law. Section 1 of Book II provides that children who have not attained the age of thirteen years shall not be employed in or admitted to works, factories, mines or other undertakings, even when these establishments are carried on for vocational purposes or are of a charitable nature. The provisions with regard to inspection mark an equally great advance since

<sup>101</sup> Cf. *Bulletin du Office du Travail*, 1904, pp. 25, 364-365, 786-797, 863-873; also for 1923, pp. 13 ff. for Report of the Ministry of Commerce and Industry on the administration of the legislation here referred to (Act of June 12, 1893). Cf. M. Duboin, *La législation sociale à la fin du XIXe siècle* (1901) pp. 14-23.

the Act of 1874. Education is compulsory until the child has completed his thirteenth year, but here again there is an exception with regard to work, for if the child has attained twelve years and has obtained a certificate of primary education he is excused and allowed to take employment. Managers of industrial undertakings employing women and children are required to post in each workshop a copy of the provisions of the law concerning such employment as well as the provisions relative to the enforcement of the measures. The nearest address of the factory inspectors must also be posted, and the hours at which work begins and ends. All children under 18 years old must have work books containing the names of the holder, date and place of birth and other particulars. These books are issued by the mayors free to the father, mother, guardian or employer of the child. The law is enforced in industry and commerce by factory inspectors, and in mines and quarries by the supervising mining engineers who have the same powers as mining inspectors. The enforcement of the law relating to the employment of children outside shops and booths is assured by a provision requiring the employer to produce a birth certificate in respect of each child so employed whenever required to do so by a factory inspector.

The attitude of organized labour to the problems of education and apprenticeship are vitally connected with this whole problem of children in industry, and is considered in the chapter dealing with the programme of the C.G.T. and the Socialist party.

The French Ministry of Labour has used the method of administrative Decrees almost entirely in promoting the protection of women and children in their work.<sup>102</sup> The work of children in industry, in commerce of every kind, in public performances or in the streets, and the conditions of work for women are regulated by Book II of the French Labour Code. But there are important Decrees and Acts which have not been codified. These include the Decrees of December 28, 1909, modified by the Decree of October 26, 1912 (repealing four Decrees since 1900), limiting the weights which may be carried, drawn or pushed by children and women; the Decree of June 21, 1913, regulating the work of women and children outside booths

<sup>102</sup> The codified law on conditions of work for women and children is Book II, chapter III and IV *bis*. The Decrees in force are in *Lois, Décrets, Arrêtés*, pp. 144-168, together with the relating Acts which are uncoded. The Act of November 26, 1912 was the codifying law for this part of the Labour Code, subsequent Acts of course have been in the form of amendments.

and shops ; the Decree of May 5, 1928, replacing Decree of June 30, 1913, listing exceptions allowed to the provisions of the Labour Code concerning the night work of women and children. Most important of all are the Decrees of March 21, 1914 (which embodies restrictions in Decrees from 1893 to 1911) and September 24, 1926, respecting the employments which are dangerous for children and women. There are 73 kinds of work listed in Table A, together with reasons for each, which are forbidden to children under 18 and altogether to women ; Table B lists 10 kinds of work additionally forbidden to workers under 18 ; and Table C enumerates 125 undertakings in which workers under 18 and women can only be employed under certain conditions. These conditions are given in the Decree. It is thus obvious that the effectiveness of legislation concerning the work of women and children largely depends upon adequate labour inspection, and also that the French Parliament has been willing to delegate a large part of this field of legislation to the administrative rules of the Ministry of Labour. The Minister of Fine Arts and Education collaborates in certain administrative regulations, for example his Decrees of March 10, 1913, June 24, 1924, and February 26, 1925, defined the conditions under which children under 13 years of age may be employed in theatres. The Chamber of Deputies, December 30, 1925, passed a Bill to amend Article 58 by raising age to 15 below which children may not be employed in public entertainments, and this is now before Senate.<sup>108</sup>

The broad powers of the Ministry of Labour, Public Health, Public Assistance and Social Insurance, as its full title is, and which have been exercised in Decrees to cover over 200 kinds of employment which are prohibited entirely or under certain conditions, are based upon sections 72 and 73 of the French Labour Code. These sections provide that the various kinds of employment which involve danger or excessive exertion or are prejudicial to morality, and which are prohibited for children under the age of 18 years and women, shall be specified by public administrative regulations ; and that children under the age of 18 years, whether workers or apprentices, and women, shall not be employed in unhealthy or dangerous establishments included in the categories mentioned, in which the worker is required to manipulate objects or is exposed to emanations

<sup>108</sup> *J.O.*, June 20, 1929, *Sénat, Doc. parl.*, No. 358.

which are prejudicial to his health, except under special conditions specified by public administrative regulations for each of these categories of workers. It is further provided in section 185 that the public administrative regulations necessary for the carrying out of the provisions concerning the employment of women and children and concerning the inspection of labour shall be issued after consultation with the Superior Labour Council and the Advisory Committee on Arts and Manufactures. The workers' and employers' organizations are of course equally represented on these consultative bodies, and thus co-operate in administration.

The Act of January 24, 1925,<sup>104</sup> amending sections 20a-28 and 96 of Book II of the Labour Code, further provided for the use of administrative regulations in which exceptions were to be allowed for the night work of women and children, but these exceptions and the conditions thereof were to be plainly set forth in the administrative regulations in which exceptions were to be allowed for the night work of women and children, but these exceptions and the conditions thereof were to be plainly set forth in the administrative regulations. This Act helped to unify the work of labour inspection in enforcement of regulations by placing all responsible officials under the technical supervision of the Minister of Public Works, for this purpose, under the control of the Minister of Labour.

Whatever has favourably improved the administration of labour legislation as a whole has had an especial bearing upon the enforcement of regulations affecting women and children, for both of these categories of workers are unorganized and often the nature of their work makes evasion of the law easier. The Act of June 30, 1928, amending Book II of the Labour Code in respect to conditions of work, is thus of significance. The Minister of Labour introduced the Bill,<sup>105</sup> which had been approved by the Superior Council of Labour in 1926, and unanimously consented to by the employers' and workers' representatives.<sup>106</sup> The first article of Book II is amended by the two following provisions. First, it is provided that a declaration

<sup>104</sup> *J.O.*, January 26-27, 1925, p. 994.

<sup>105</sup> *J.O.*, *Chambre, Doc. parl.*, 1928, No. 4949, and *J.O.*, July 3, 1928.

<sup>106</sup> Cf. *Compte Rendu, Conseil Supérieur du Travail*, 30e Session (1926), 31e Session (1927) Report of M. Lemarchand on the age of admission of children in commerce and transport, in 1926; and his Report in 1927 on forbidding night work of women and children in commercial professions and forbidding work to women in the transport industry.

shall be made by all persons about to employ one or more workers in an industrial or commercial undertaking. The declaration must be submitted to the labour inspector before the workers are engaged, and the inspector will notify the employer of the steps which he must take in order to comply with the Acts and Regulations applicable to the workers in question. This amendment is in the interest of employers as well as workers, since it will ensure that breaches of the law will not be committed in ignorance and that mistakes will not be made in the building and equipment of the undertaking. Second, the amendment extends to commercial undertakings the provisions relating to the minimum age for admission to employment, which hitherto applied only to industry. It provides that young persons between 14 and 18 years of age may not be employed without a certificate, which will be supplied free of charge by the local authority; but the exception for children of 12 and 13 is still kept, if they hold an elementary school certificate and a medical certificate. This will be done away with when the compulsory school attendance age is raised, and the question is before Parliament. It is strongly advocated by the labour movement of France.

The general progress of social legislation has benefited women and children in industry, and there has been especial provision relating to rest for women in child-birth dating from the Act of June 17, 1913 (Article 29, Book I, Labour Code), the latest amendment to which, the Act of January 4, 1928, raised from eight to twelve weeks the time of absence from work, and to 15 weeks for prolonged sickness. It was further enacted that such absence was not a ground for the termination of the labour contract. The administrative Decree of March 11, 1926,<sup>107</sup> laid down comprehensive regulations respecting provisions relating to nursing mothers in industrial and commercial undertakings. More than 22 requirements were listed by the Minister of Labour which had to be provided under the regulations.

The influence of international labour conventions upon this phase of French social legislation is also to be noted. The Act of January 24, 1925, amended the articles of the French Labour Code relating to the night work of women and children so as to secure uniformity with the provisions of the convention on the night work of women and children as drawn up at the Washington International Labour

<sup>107</sup> *J.O.*, 1926, No. 64, p. 3385. Sections 54b-54e Book II, Labour Code set forth general provisions.

Conference (1919). The Labour Code fixed the age of children who could be employed in work of any nature whatever at 13 years. The law enacted in 1925 states that children under the age of 18 years, and women, shall not be employed in night work of any kind in factories, mines, quarries, etc., and that children under 18 shall not be employed on night work of any kind in undertakings of transportation by rail or road, or in loading or unloading undertakings. The work between 10 p.m. and 5 a.m. is considered as night work, and it is prescribed that the rest of women and children must have a duration of not less than 11 consecutive hours. The international convention relating to the eight hour day is of course applicable to women and children, and its influence on French legislation has been seen in changes recorded above. Likewise the Decree of September 24, 1926,<sup>108</sup> and the Act of December 7, 1926,<sup>109</sup> in consideration of the text of the Recommendation concerning the protection of women and children adopted by the International Labour Conference (1919) against lead poisoning, amended French law in conformity to the proposed international legislation. This did not mean a change in the principle of French law, for the Decree of March 21, 1914, had set forth dangerous employments for women and children, but it did indicate the growing importance of legislation upon the basis of international agreement. It was also a proof that France was willing to support these international agreements.

<sup>108</sup> *J.O.*, September 30, 1926, No. 228, p. 10808.

<sup>109</sup> *J.O.*, 1926, No. 285, p. 12818.



## CHAPTER VII

### SOCIAL INSURANCE IN FRANCE

The attention given to the organization of labour and the administration of industrial legislation through occupational associations is important in this study because it reveals a purpose on the part of the French Government to promote the conditions of successful group action. The syndicate was made stronger for the purpose of making the individual worker more secure, and the conditions which gave power to the larger group of which he was a part made it possible for his own life and happiness to be more fully protected. The freedom of the syndicate gave the worker freedom, the use of which has justified the state's action. The state gave validity to the claims of the workers' associations, recognizing in the larger groups a representative share of the common life of the nation. The aims and ideals of the syndicates have changed as the conditions of industrial life have made necessary a new relationship between the worker and his work, for the individual worker has been the central figure in the organized labour world. His standard of living has been the personal element in the struggle which has kept alive the spirit of idealism; and the association of all the workers together has been the means whereby a more generous spirit of good-will has found a place. The state on one hand has dealt with the workers' associations as representing a substantial group claim for power and recognition in the community. The individual, on the other hand, has pressed his needs for protection through his association against the state by the widest appeal to the rights of citizenship and the claims of justice. It is then natural, as developed in the last chapter, that it is perhaps easier to interpret the friendly purpose of the state with regard to the individual worker and his welfare than toward the group and its corporate rights; and for this reason the state's protective aim has often been much more clearly revealed in social legislation than in the more impersonal problem of the determination of the status of

trade unions. But the security of the individual worker, as the history of social legislation in England and France fully confirms, is closely joined to freedom of association for the group to which he belongs. The welfare of the individual however has been the rallying point for advocates of social legislation. It is for this reason that the development of a national system of social insurance is significant.

## I

### BEGINNINGS OF A SOCIAL INSURANCE SYSTEM

The history of the old age pensions schemes provides in both England and France the most obvious illustration of this principle, for in both countries old age pensions were not the controversial issue that trade union organization has been. Old age pensions have been considered of all reforms demanded by industrial democracy the most necessary for the well-being of the nation. There has been the elemental appeal of justice about it in a hazardous industrial system. The effort was made in France in 1879 to present a Bill dealing with old age pensions for industrial and agricultural workers, and from 1890 to 1900 there were numerous proposals before the Chamber of Deputies. The Government in 1901 introduced their project which would have created for more than nine million workers a right to a pension, the principle of which had been approved by the Chamber of Deputies' Committee on Insurance and Social Welfare<sup>1</sup> After voting the law on Associations in 1901, permitting associations of any kind without any condition as to homogeneity of membership, subject to their pursuing legal objects and abstaining from trading or profit. M. Millerand said that by taking up the question of pensions for workers, the Republican party brought together both ends of its policy and its programme. The granting of workers' pensions would be an "act of solidarity" on the part of the state, which would

<sup>1</sup> See the two Reports of M. Guieysse, *J.O.*, March 9, 1900, *Chambre, Doc. parl.*, No. 1502, and *J.O.*, November 22, 1904, *Chambre, Doc. parl.* No. 2083; No. 1636. The Government policy as Millerand developed it is given in Lavy, and the *Rapport Fournier*, *J.O.*, March 25, 1904, *Chambre, Doc. parl.*, *op cit.*, pp. 191-221. Note Millerand's Introduction (v-viii) to *Les Retraites Ouvrières* (1906) by R. Persil and G. Barbier.

protect from feebleness and old age the worker who for thirty years had given to society all that he had of strength and energy. M. Millerand's argument, like that of Mr. Asquith in the 1907 debates, was based upon old age pensions as a social debt. "It is above all a social debt," he told the Chamber of Deputies, "for it is not possible at the period of civilization which we have reached, when the efforts of solidarity and peace have happily taken among our people a preponderant place, any longer to hesitate to confirm by law this primordial right, which is the right to life. No, it is not possible that the aged who have done their duty in working all their life, should at the moment when they are no longer able to work, be abandoned by the society which they served faithfully." The principle of old age pensions was thus early in the century given Government support.

The Committee on Insurance and Social Welfare (*Commission d'Assurance et de Prévoyance Sociale*) in the Chamber of Deputies in the sessions of 1902-1906 were too generous for the French Senate with regard to old age pensions; but their recommendations were indicative of the importance of the agitation for workers' pensions in France. The Committee advocated the giving of pensions at 60, the general extension of the benefits to include the small farmers and agricultural workers, and the exemption of all workers from contribution receiving less than one franc fifty a day wage (the Bonnevey amendment). After the long months during which the Committee on Old Age Pensions sat, it was due to M. Millerand that in 1905 old age pensions became an active legislative question. It was he who first made it possible in 1901, as he pointed out in the Chamber of Deputies, June 20, for the problem of old age pensions to be definitely set forth in a legislative text. Along with the income tax measure of the Government, the legislative of 1898-1902 did not pass the project on old age pensions. Nothing was done in 1903, and early in 1904, March 17, Millerand asked why the bill for workers' pensions had been dropped. The Ministerial announcement of M. Combes had stated that the giving of a pension to the workers of industry, commerce and agriculture, was a problem which imposed itself on all the democratic nations of the time;<sup>2</sup> and

<sup>2</sup> *Les déclarations ministérielles et les ministères (du 4 Septembre 1870, au 1er Janvier 1914)* (1914), edited by Guy Lavaud, p. 100. A legislative summary of the projects and propositions dealing with old age pensions can be found in the January issue each year of the *Bulletin de l'Office du Travail*, see for 1903-1906, pp. i-x, i-xix, i-xviii.

the Ministerial declaration of M. Rouvier's Government, following the fall of the Combes Cabinet, gave the pledge that the bill for old age pensions for workers would be brought to an issue before the session was ended.<sup>3</sup> The duty financially could well be borne by the nation in the social services part of the Republican Budget, Millerand had said earlier in presenting the Government project; and he added in the general debate of 1905 there would be by this law "the expressed recognition of the duty of social solidarity for the first time in French legislation."<sup>4</sup> The debates on old age pensions in 1901 and 1905 gave to every party and to every shade of opinion a chance of expression.

The official attitude of the Socialists in the debate of 1905 was given by M. Vaillant in a counter proposition which was based upon a non-contributory scheme;<sup>5</sup> Abbé Lemire defended the social theory of his Church and his group;<sup>6</sup> and the example of England was used by M. Charles Benoist to give support to his argument.<sup>7</sup> There is much similarity at this period between the debates in the Chamber of Deputies and in the House of Commons on social insurance. It is fortunate that the direful prophecies of the politicians on both sides have not come true. The pledge of Governments to the principle was the same in both countries. There were sufficient pledges before him, but M. Sarrien's Ministerial pledge put workers' pensions as foremost in the scheme of social reforms in 1906,<sup>8</sup> and, his quickly passing Government being succeeded by M. Clemenceau, the longest Ministerial statement of the Third Republic pledged the Government promptly to pass the law on pensions.<sup>9</sup> This same pledge again found a prominent place in the first Ministerial statement of M. Briand, who assured the Chamber of Deputies that he would carry into effect their will.<sup>10</sup> During the long years which the Senate sought to amend the measure which the Chamber of Deputies sent over to them, the nation had the opportunity of hearing France's social problems discussed; and each group

<sup>3</sup> *J.O.*, January 28, 1905, p. 63.

<sup>4</sup> *J.O.*, November 16, 1905, p. 3287; pp. 3285-3295, speech entire.

<sup>5</sup> *J.O.*, November 8, 1905, pp. 3067-3076.

<sup>6</sup> *J.O.*, November 22, 1905, pp. 3395-3407.

<sup>7</sup> *J.O.*, December 5, 1905, pp. 3713-3723.

<sup>8</sup> *J.O.*, March 15, 1906, pp. 1289-1290.

<sup>9</sup> *J.O.*, November 6, 1906, pp. 2386-2387.

<sup>10</sup> *J.O.*, July 28, 1909, pp. 2249-2250.

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in the Parliament debated the place of state action.<sup>11</sup> The financial policy of the Government with reference to social reform early involved the Minister of Finance in the debates. In England and France from 1910 the Minister of Finance became more and more an important factor in the formulation of schemes of social legislation.

### OLD AGE PENSIONS

The debates on old age pensions in France, as in England, were an opportunity for members to survey the whole of public social policy. During the first debate in 1901, one of the Socialist leaders, M. Allemane, with other members of the party, introduced a proposition to provide financial resources for pensions by the abolition of inheritances,<sup>12</sup> and this bill was re-introduced in 1908.<sup>13</sup> The financial participation of the state in the organization and administration of the old age pensions system was demanded in a proposal introduced by M. Maurice Colin.<sup>14</sup> The direct connection between the general system that the Government inaugurated and the several independent schemes with their expansion, especially the miners' system, is discussed later. The text that the Senate finally adopted was more liberal than many thought it might be;<sup>15</sup> benefits had been extended, including small farmers and tenants and even shopkeepers; the last category being excluded by the Minister of Finance before the Chamber of Deputies on March 31, 1910, passed the bill by a vote of 560 to 4.<sup>16</sup> It became the law of April 5, 1910, the basic law in France on old age pensions until its provisions were

<sup>11</sup> In addition to references below see *J.O.*, November 9, 1905, pp. 3095-3105; No. 10, pp. 3133-3142; Nov. 14, 15, 16, pp. 3215-3225, 3253-3261; pp. 3285-3295; Nov. 23, 24, 29, 30, pp. 3433-3444, 3449-3461, 3549-3560, 3583-3589; December 1, 6, 7, 13, 14, 15, pp. 3617-3626, 3745-3757, 3777-3788, 3871-3881, 3901-3912, 3935-3946. These pages include the debates entire of 1905.

<sup>12</sup> *J.O.*, June 18, 1901. For debates of 1901, see *J.O.*, June 5, 7, 11, 12, 14, 18, 19, 21, 25, 26, 28, 29 and July 2-3.

<sup>13</sup> *J.O.*, July 10, 1908, *Chambre, Doc. parl.*, No. 1979, p. 800.

<sup>14</sup> *J.O., Chambre, Doc. parl.*, 1905, No. 2247, pp. 141-145.

<sup>15</sup> See *J.O., Sénat, Doc. parl.*, 1906, No. 69, for earlier bill, and for bill adopted by Senate, March 23, 1910, see *J.O., Chambre, Doc. parl.*, 1910. No. 3266, pp. 406-410; and the *Rapport Cucinot* in three parts with annexes, *J.O., Sénat, Doc. parl.*, 1909, No. 104, Part I, pp. 184 ff., Part II, pp. 250 ff., Part III, pp. 375 ff., and *Annexes*, pp. 436 ff.

<sup>16</sup> *J.O.*, April 6, 1910, pp. 2998-3003.

embodied in the national social insurance system created by the Act of April 5, 1928. This Act is later discussed.

The Act of April 5, 1910, for which the administrative rules were laid down in two Decrees, the Minister of Interior, March 24, and the Minister of Labour, March 25, 1911, came into force on July 3, 1911.<sup>17</sup> The application of the law was based on the co-operation of insured persons and the state and the employer, equal amounts being paid by the worker and employer, and the state giving in an annual grant half of this total amount. The Act prescribed insurance for practically the entire working population, male and female, rural and urban, receiving less than 3,000 francs a year in wages. The miners, railway workers and marine employees, for whom there were special funds, were excluded from the Act. Besides the 10,500,000 officially estimated by M. Viviani, Minister of Labour, provision was made for 6,000,000 voluntarily to insure.<sup>18</sup> These included independent workers, small employees, peasant proprietors, and other persons not wage earners, and provision for employees receiving over 3,000 francs but under 5,000. The administration was intrusted to the National Old Age Pensions Fund but Funds established by Friendly Societies, employers' mutual liability associations and trade unions were recognized as institutions through which the Act could be administered. In each commune a special

<sup>17</sup> Dalloz, *Code du Travail*, pp. 232-247. The early documentary history of the French system of administration of old age pensions is in the *Recueil de Documents sur les Retraites Ouvrières et Paysannes* (1912), issued by the Minister of Labour and Social Welfare. The administrative Decrees above (including also those of August 6, 1912, June 5, 1913, and July 26, 1913 (Dalloz, *Code du Travail*, pp. 250-253, 254-298), were issued before the war put its great strain on the working of the Act. M. J. Paul-Boncour was Minister of Labour at the time, and his *Les Retraites, La Mutualité, La Politique Sociale* (1912) is a survey of the problem and contains the chief parliamentary speeches dealing with the administration of the Act. See also Report of M. Albert Métin, Minister of Labour, on application of the law during 1914 (1916). Yearly Reports on the law of April 5, 1910-February 27, 1912 were published under title, *Rapports sur l'application de la loi sur les retraites ouvrières et paysannes*.

<sup>18</sup> *J.O.*, March 31, 1910, p. 1799 ff. The text, *J.O.*, April 6, 1910, pp. 2998-3003; see Report of Committee on Insurance and Social Welfare, M. Louis Puech reporting, *J.O.*, March 23, 1910, *Chambre, Doc. parl.*, No. 3273, pp. 414-424; and *Avis of Finance Committee*, *J.O.*, 1909, *Chambre, Doc. parl.*, No. 253, pp. 85 ff., and *Chambre, Doc. parl.*, No. 2570, *J.O.*, June 18, 1909, M. Caillaux on 1910 Budget, pp. 570 ff. Cf. E. Pelleray, *L'Oeuvre financière du Parlement du 1906 à 1910* (1910).

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committee composed of the mayor, one employer, and one worker, appointed by the municipal council, were to make up the old age pensions register. The Decree of July 16, 1910 created the National Office of Workers' and Peasants' Pensions (*Office National des Retraites Ouvrières et Paysannes*), attached to the Ministry of Labour and Social Welfare but not as a part of the central administration of the Ministry.

The importance of the new system in French social legislation and the popular interest in its provisions are indicated by the fact that during the parliamentary session of 1911 there were 16 bills submitted for amending the Act.<sup>19</sup> The Minister of Labour introduced the Government amending Bill in 1911,<sup>20</sup> when again in 1912,<sup>21</sup> when the original Act was amended by the Acts of February 27 and December 27, 1912, more liberal concessions being granted to the insured and the pensionable age being reduced from 65 to 60 years. The Acts of August 17, 1915 and December 28, 1918 were war-time Acts making special dispensations to the fighting services and financial adjustments with regard to rights of pensions.<sup>22</sup> The post-war Act of April 18, 1922 made the minimum and maximum sums for compulsory and voluntary insurance correspond to the necessary changes due to depreciated currency. The number of insured persons on July 3, 1911 when the Act came into force was 243,065 on the voluntary basis, and 5,633,630, compulsorily. On January 1, 1915, 594,511 persons were insured voluntarily and 6,127,821 compulsorily; and by January 1, 1920 the voluntary number decreased to 412,718, and the compulsorily insured were 7,964,595. There is ample evidence to support the conclusion of the Ministry of Labour

<sup>19</sup> See the two Reports of M. Albert Métin, Reporter for the Committee on Insurance and Social Welfare which had charge of the examination of the Act of 1910 and its change, *J.O.*, November 14, 1911, *Chambre, Doc. parl.*, No. 1340, pp. 1-16, and *J.O.*, December 7, 1911, *Chambre, Doc. parl.*, No. 1447, pp. 16-22; and pp. 18-19 for examination of the 16 bills. The two Socialist proposals were M. Guesde's, *J.O.*, *Chambre, Doc. parl.*, 1911, No. 691, p. 80, and M. Vaillant, *J.O.*, *Chambre, Doc. parl.*, 1911, No. 1024, p. 538.

<sup>20</sup> *J.O.*, November 7, 1911, *Chambre, Doc. parl.*, No. 1270, pp. 39-40, *projet de loi* by M. Renoult.

<sup>21</sup> *J.O.*, *Chambre, Doc. parl.*, 1912, No. 2039, providing a summary of the law by M. Leon Bourgeois; and later an historical sketch is given in *J.O.*, November 14, 1912, *Chambre, Doc. parl.*, No. 2271, pp. 78-80.

<sup>22</sup> Cf. *J.O.*, February 14, 1921, *Appendix*, pp. 125-148, *Rapport sur l'application pendant les années 1917 et 1918 de la loi des retraites ouvrières et paysannes*.

at that time in their belief that the results of the Act would have been far more satisfactory if administration had not been hindered by the war, and the financial provisions affected by far-reaching changes in economic conditions.<sup>28</sup> The pensions have depreciated so in value that they have not attracted the support of the workers for whom they were primarily intended. The tremendous task of revising all benefits under French social legislation schemes was especially a drain upon the French administrative services, because of the long continued period of wasting currency. M. Albert Peyronnet, in the report on the budget of the Ministry of Labour in 1921, said that between July 3, 1911 and September 30, 1921, the state paid in forms of grants and additional allowances 870,580,421 francs. The contribution of the state represented 10.50 francs for each insured person, while the insured person represented only a 3.25 francs contribution. It was in the Budget of this year that credits were allowed for the new social insurance Bill of the Government.

#### SPECIAL PENSION FUNDS FOR FRENCH WORKERS

When the Government first introduced their old age pensions Bill it was made plain that new legislation would not disturb the special funds which had been established for the miners by the Act of June 29, 1894, the railway workers by the Act of July 21, 1909 and December 28, 1911, and the invalidity fund of the sailors by the Act of December 29, 1908. There were funds for municipal and government employees, but these were more in the nature of retirement funds. The purpose of the Government was to extend the principle to all workers, which made it necessary that the system be compulsory if it were to be adequate to the needs of the working class as a whole. The compulsory principle had been established in French law by the special funds mentioned above, the Act of 1894 making it obligatory that in each mine a fund for benefit relief and pensions (*Caisses de Secours et de Retraites*) be created.

The miners because of their strong organization and the risks of their occupation have been leaders in protective legislation, and the history of the development of the Act of 1894 is illustrative of this pioneer role of the miners in social insurance. The original Act of

<sup>28</sup> See *B.M.T.*, Oct.-Nov.-Dec. 1921, for history of Pensions Act between 1914 and 1920; and *Annuaire Statistique* (1928), pp. 233-235, the last Report, down through 1927.



1894<sup>24</sup> was amended by the Act of February 25, 1914,<sup>25</sup> which set up the Independent Fund for Miners' Pensions (*Caisse Autonome des Retraites et des Ouvriers Mineurs*), enjoying civil personality,<sup>26</sup> and functioning under the control of the state. The financial system was administered by an equal representation of the workers, the employers and the state; six from each constituting the Administrative Council,<sup>27</sup> the duties of which were set forth in the old age pensions Act of 1910. The six members representing the state were the director general of the *Caisse des Depots et Consignations*, the director of the Insurance and Social Welfare division of the Ministry of Labour, two members named by the Ministry of Labour, one member each named by the Ministries of Finance and Public Works. The administration of the Act was by the Ministries of Labour and Finance. A mine worker reaching the age of 55 and having worked for 30 years was to receive from the state a pension. The plan was financed by contributions of equal amounts from the worker and employer and the state gave an annual subsidy.

Post-war Acts have improved the working of the Act and extended the benefits, especially with regard to widows and orphans of miners. The Act of December 24, 1923,<sup>28</sup> an Act to Improve Old Age and Invalidity Pensions, made no changes in the administration of the Fund by the Administrative Council described above nor in the contributory levy upon wages, the equal contribution from employers, and annual subsidies from the state. The amending Act of March 9, 1920,<sup>29</sup> prescribed a minimum pension for the miner and his widow, and the 1923 Act provided that the subsidy from the State shall not be less than one per cent. of the total pay of the wage-earning and salaried employees at the time.<sup>30</sup> In this same year, the

<sup>24</sup> Dalloz, *Code du Travail*, pp. 127-133; pp. 133-138, administrative Decrees.

<sup>25</sup> Dalloz, *Code du Travail*, pp. 351-357.

<sup>26</sup> Art. I, clause I, 1914 Act.

<sup>27</sup> Art. II, 1914 Act. For the employees of local railways and tramways similar benefits were proposed by the Government in their project of July 12, 1911, passed by the Chamber of Deputies, July 30, 1913. Cf. *J.O.*, July 12, 1911, *Chambre, Doc. parl.*, No. 1194; Reported in Senate by M. Lhopiteau, *J.O.*, June 13, 1914, *Sénat, Doc. parl.*, No. 304.

<sup>28</sup> *J.O.*, December 25, 1923, No. 349, p. 11989; Dalloz, *Code du Travail*, pp. 612-614.

<sup>29</sup> Dalloz, *Code du Travail*, pp. 452-453.

<sup>30</sup> Section 10a, 1923 Act.

Act of December 28, 1923<sup>81</sup> extended the provisions of the special legislation respecting pensions and benefit for miners to persons employed in industries subsidiary to mining undertakings, the Acts previous applying exclusively to workers employed in the extraction of coal from the mines. The administrative features of this Act are noted below. By the Act of July 11, 1925,<sup>82</sup> the pensions were increased and provisions relating to widows and orphans were materially extended; and the Act of August 11, 1926,<sup>83</sup> again increased the pensions for miners and their widows and re-organized the financial bases of the Independent Fund for pensions.

The 1923 Act provided that the administration of the Miners' Pensions Acts shall be by Public administrative regulations issued on the recommendation of the Minister of Labour, the Minister of Finance and the Minister of Public Works, with this interesting proviso, "after having been submitted to the Administrative Council of the Independent Fund for criticism."<sup>84</sup> The amending Bill which the Government introduced June 20, 1922,<sup>85</sup> provided that Orders might be issued by the Ministers of Labour and Public Works, on the demand of the persons concerned or on their official initiative, to extend the application of miners' legislation concerning pensions to industrial establishments managed by mine-owners which are usually and mainly supplied with their raw materials by the mine and which perform work accessory to the mining undertaking and are carried on in the mine or in its immediate vicinity.<sup>86</sup> A further delegation was made in the Act of 1926, which provided that at the request of the Administrative Council of the Independent Fund, if the resources of the special fund (created in 1923 to provide an additional bonus-allowance on percentage basis for years worked) proved insufficient to meet the estimated annual charges on this fund, a Decree shall be issued on the recommendation of the Minister of Labour, the Minister of Public Works and the Minister of Finance, to authorize the Independent Fund to increase by not more

<sup>81</sup> *J.O.*, December 29, 1923, No. 352, p. 12156; Dalloz, *Code du Travail*, p. 614.

<sup>82</sup> *J.O.*, 1925, No. 163, p. 6534; Dalloz, *Code du Travail*, pp. 689-690, *B.M.T.*, 1925, p. 107.

<sup>83</sup> *J.O.*, 1926, No. 190, p. 9338; Dalloz, *Code du Travail*, pp. 769-771.

<sup>84</sup> Article 12, 1923 Act.

<sup>85</sup> *J.O.*, October 18, 1922, Government Text.

<sup>86</sup> Article 4, 1926 Act.

than  $\frac{1}{2}$  per cent, of the remuneration of both the workers' and the employers' contribution. This is an administrative delegation of financial power, within limits, which concerns financial contributions from both workers and employers, and is carried out by Ministerial Orders. The Act of April 16, 1929,<sup>87</sup> confirmed this provision of the 1926 Act. This Act also placed the contribution of the workers and employers at 3 per cent. of the wages from June 1, 1929, and at 3.50 per cent. from January 1, 1930; and the state contribution is 4.50 per cent. from this latter date. Benefits under the law were increased also from those allowed in the Acts of August 11, 1926 and February 29, 1928; and by an Act of April 16, 1929;<sup>88</sup> not part of the Act of same date just mentioned, voting privileges for nomination of the six workers' representatives as administrators of the Independent Fund, were extended to old miners after 15 years of employment.

The National Congress of the French Miners' Federation in 1928 passed resolutions asking that the rate of pensions should be increased to three-fifths the annual wages, and that the age at which pensions may be granted should be lowered to 54 years and should be reduced by gradual stages to 50 years. This resolution and the agreement that the workers' levy on wages should be allowed to exceed 2 per cent. indicate that the system is taken as a working basis for their protection by the Federation. It is noted that the Act of 1929 carried out the increased levy, of equal contributions of employers and workers, with the state subsidy slightly more than half of the combined contribution.

The Chamber of Deputies unanimously adopted a Bill on January 31, 1928, amending the railwaymen's pensions system, and on March 16, 1928 by a like vote adopted a Bill for reform of the seamen's social insurance system. The principle of each Bill is the same, a consolidation of separate pensions funds transferred to a single autonomous fund, and administered under state control by a tripartite council consisting of equal number of representatives of the state, the employers and the workers.

The inauguration of a national system of social insurance, in-

<sup>87</sup> *J.O.*, April 18, 1929, p. 4530 (Article 7 of Act); Dalloz, *Code du Travail*, pp. 1006-1007.

<sup>88</sup> *Ibid.* Dalloz, *Code du Travail*, p. 1007; pp. 861-863, Act of February 29,

cluding old age pensions, has raised administrative difficulties which have been confusing to French workers and to employers and the Government. The Government have promised that additional legislation will be passed to co-ordinate the special pension funds of the miners, railway and other workers with the Act which went into effect in February, 1930, but until such legislation is enacted the special Acts are in force.<sup>39</sup> These special funds have made a direct contribution to the building up of the administrative system of the national scheme.

However incomplete the Act of April 5, 1910 appears today, it was used to great advantage in creating the broader scheme of a national social insurance system. M. Edouard Vaillant, who certainly saw its limitations, termed it "le commencement perfectible d'une législation ouvrière et sociale." From 1879 to 1910 there had been over 50 Bills introduced on the subject of old age pensions, between 1898 and 1902 there being no less than 16 Bills.<sup>40</sup> The Act of 1910 summed this whole effort up, and marked the end of a period in French social legislation. It began a new one by furnishing the basis for the administration of the new system of social insurance, for the Act of April 5, 1928 determined that the amount of the annual state subsidy to this new scheme is to be equal to the credit opened by the Finance Law of 1926 in the budget of the Ministry of Labour in respect of workers' pensions.<sup>41</sup> This credit, it is estimated, will amount to 240,000,000 francs.

#### EMPLOYMENT AND UNEMPLOYMENT LEGISLATION

When France inaugurated her national system of social insurance in 1930 there was no past experience with unemployment legislation to guide her administrators in the development of the national services. The problem of unemployment has a long legislative history

<sup>39</sup> Article 49 of Act of April 5, 1928: "The employees of the state, departments, communes, principal railways, secondary and local railways, and tramways, miners and slate quarrymen and the personnel of their autonomous fund, and registered seamen and other persons employed on board ship, are respectively covered by the insurance legislation or regulations which apply to them at present. A special law will determine the rules for the co-ordination of these various systems with the general system of social insurance."

<sup>40</sup> Cf. Robert Perdon, *L'Histoire des assurances sociales en France* (1927) pp. 12-17.

<sup>41</sup> J.O., April 30 and May 1, 1926.

in England and the administrative reports on the working of the Unemployment Acts, together with surveys of Commissions and Committees, supply exhausting commentary on the condition of the people. France has fortunately been free from this national risk, and the parliamentary record is a different one to that of England. The need since the war has been one of labour supply, and recruitment of foreign workers has been organized on a national scale. The presence of a large number of these wage-earners accounts for the fact that discussion of the rights of the foreign worker and his protection is a significant part of trade union agitation and of parliamentary discussion when labour matters are debated.

Unemployment and organization of the labour market have nevertheless received attention from the French workers' organization and from Parliament. MM. Jaures and Vaillant in the early sessions of this century outlined the policy of the Socialists with regard to state action. The contrast between the debate in the House of Commons in 1904 when Mr. Keir Hardie moved his unemployment amendment to the Address, and the debate on unemployment in November of the same year in the Chamber of Deputies plainly shows the difference between the two countries.<sup>42</sup> Hardie and his small group gave little attention to the general indictment of the industrial system, stressing rather the fact that fellow citizens were out of work; but it was an opportunity for French Socialist leaders to ascribe the major responsibility of society's ills to the system of capitalism which involved, it was maintained, a pitiless burden in human cost. In England there was far less opportunity for using Parliament as an arena for settling doctrinal disputes, but from the beginning of the century down to the last debate in the Chamber of Deputies this tactic has been used by French deputies. At the time the French Socialists had such orators as MM. Jaures, Briand and Viviani, and the English labour movement lacked such display, nor did it have a parliamentary advantage before 1906 which would allow unlimited free publicity through Parliament of party policy. The Labour member in England had to content himself with an amendment to the Address, or as Hardie had, a good twenty minutes to midnight to move the first Socialist resolution while an amused, if friendly,

<sup>42</sup> Cf. Edouard Vaillant, *Le Chômage à la Chambre* (1905), especially pp. 34-35; and, Hansard, 4 S.H.C., 1904, vol. 130, pp. 451-506, debate entire on Hardie amendment.

House looked on; and there was always the unequal contest of questioning a responsible Government administrator or the duty of introducing a Trade Union delegation before heads of departments of state.

The Government policy in France may be divided into two kinds of action, the first dealing with unemployment relief and the other efforts to organize the agencies of employment. There is no state system of unemployment insurance in France, but the voluntary insurance funds have been subsidized by the state since 1905 when the Finance Act of April 22, supplemented by the administrative regulations of the Decree of September 9, 1905,<sup>43</sup> made provision for Unemployment Insurance Societies to receive state subsidies. The amount of the Government subsidy has been changed at various times according to employment conditions, and special contributions were made during the war years. In 1927 the total of the Government contribution to the departmental and municipal funds amounted to 60 per cent. of the allowances granted by the funds. These subsidies applied only to 60 days benefit in a period of twelve months, and, in principle, the funds were open to membership by all wage-earners. The Decree of February 7, 1928 increased the subsidies for unemployment funds,<sup>44</sup> and the Decree of September 21, 1929,<sup>45</sup> provided that the maximum subsidy granted by the state to unemployment relief funds should vary according to family responsibilities of the unemployed persons relieved. The French Government establishes this principle whenever it is possible in their social legislation.

The Government policy today in attempting to direct the organization of Employment Exchanges and the national placing of workers most advantageously, had its beginning in the Employment Offices Act of March 14, 1904.<sup>46</sup> This Act empowered the municipal authorities to close the old private profit-making Employment Offices (*Bureaux de Placements*) and prohibited the workers from making payments to such offices. To take the place of these old exchanges,

<sup>43</sup> Dalloz, *Code du Travail*, pp. 189-192, including subsequent Decrees of April 20 and December 31, 1906, December 3, 1908, December 28, 1912, July 7, 1919, May 2, 1921, and October 24, 1919.

<sup>44</sup> *J.O.*, February 12, 1928; Dalloz, *Code du Travail*, p. 861.

<sup>45</sup> *J.O.*, September 21, 1929; Dalloz, *Code du Travail*, p. 1020.

<sup>46</sup> Book I, Title IV, Articles 79-98 Labour Code, codifies the French Acts on Employment Offices and administration.

the Act of 1904 provided that free Employment Offices should be established in all towns with a total municipal population of over 10,000, and these Employment Offices were set up by employers, workers, and voluntary agencies. The private system was loosely organized down to 1914 when mobilization changed the whole problem of French labour.

At the beginning of the war a Circular issued by the Prime Minister on August 20, 1914 set up the National Unemployment Fund, the purpose of which was to supplement the municipal and Departmental funds; and a Decree of April 19, 1918 drew up a model constitution for such funds, the general principles of their administration having been laid down in the Circular of January 23, 1918. These funds were administered by a joint committee constituted of the same number of workers' and employers' representatives, and were thus pioneer committees in applying the principle of equality in administration between employers and workers. The experience of war time has left its mark on French industrial organization.

The distribution of workers in essential industries and the placement of refugees, and later measures looking to demobilization, were the reasons for the establishment on October 26, 1914 of the Central Employment Exchange, and a National Agricultural Labour Office. These two agencies were soon attached to the Ministry of Labour and merged into one Central Committee on Employment, which was originally set up by the Decree of November 16, 1914. Separate employment committees for each Department were set up in December 1915, and municipal employment exchanges were encouraged. The Decree of February 3, 1920 put the Central Committee on Employment under the control of the National Council on Manual Labour. The Ministry of Labour was faced with the problems of demobilization, and to meet the post-war conditions state subsidies were urged upon the Departments and municipalities which were organizing Employment Exchanges.

The Act of February 25, 1925, amended the French law with regard to Employment Exchanges and Departmental Employment Offices, and represents the development of this part of French social legislation. The influence of war-time procedure is plain, and the administration is greatly strengthened. The old provisions that every commune must have a register containing offers of and ap-

plications for employment at the mayor's offices and placed free of charge at the disposal of the public, and that towns with a population of 10,000 and upwards are required to establish a municipal employment exchange, are kept; and it is laid down that if the municipal employment exchange has not been set up, the Prefect shall take measures *ex officio* for its establishment, after a formal order has been given to the municipal council without effect. The Act of 1925 provides that in every Department the institution of a Departmental Employment Office shall be included in the compulsory expenses entered in the Departmental budget, and on December 2, 1929, the Minister of Labour informed the Chamber of Deputies that every Department had established their Office.<sup>47</sup> The purpose of the Departmental Employment Office is to organize and ensure in every commune of their area the recruiting and placing, free of charge, of workers in agriculture, industry, commerce and the liberal professions, as well as domestic servants and apprentices. The establishment and maintenance of Interdepartmental Employment Offices is a power given by the Act to the General Councils, and these various Employment Offices, Interdepartmental, Departmental, and Municipal shall keep constantly in touch with each other, and with the Central Employment Office instituted in connection with the Ministry of Labour. There is thus the attempt to organize a national system of labour supply.

The Act of 1925 further declared that every municipal Employment Exchange or Departmental Office shall have power to institute trade sections for certain trades, and the institution of an agricultural section is compulsory in every Departmental Office. There has been criticism in the Chamber of Deputies in respect to the national policy with agricultural workers. In every municipal Exchange and Departmental Office, and by special order to every trade section, there shall be attached a managing committee responsible for the supervision of the placing of workers and the giving of advice on all questions concerning the development of the system of Employment Exchanges. These committees include an equal number of wage-earning or salaried employees and of employers belonging as far as possible to the trades which make most frequent appeals to the Exchange.

<sup>47</sup> *J.O.*, December 3, 1929, p. 3744.



Section 85e of the Labour Code says that public administrative regulations shall prescribe the conditions to which in general the various Offices, Exchanges or Trade Sections shall conform, especially as regards the constitution of joint committees, measures to ensure that the placing work of the offices is carried on *bona fide* and free of charge, and that there is impartiality in case of labour disputes, co-ordination between the various exchanges and offices, etc. The organization is thus left to administrative rules.

The intent of the Government to tighten the supervision of private employment agencies, some of which continued under the guise of mutual aid societies, workers', employers', and joint industrial associations, was made plain by the Act of July 19, 1928, amending Sections 79, 81, 82, 83, 88 and 102 of the Labour Code. In brief this Act narrowed the whole field of private employment agencies, making it necessary for every authorization to be dependent on the sanction of the Departmental Employment Office, and gave full powers regarding the issue of permits to the mayor of communes, the Prefect or the Government, according to the area covered by the employment agency in question. This Act in the debates of 1928 and 1929 on the budget of the Ministry of Labour has been under review, and each year the Minister of Labour has accepted the comments made with a promise of favourable action. The debates in 1928 brought out the view that supervision to be really effective must be carried out by factory inspectors (the powers to mayors being distrusted), that the credits given by the state should be increased, and work of exchanges better co-ordinated between the different districts.<sup>48</sup> The Government partially answered criticisms of exclusion by passing a Bill on January 20, 1928 applying the provisions of the Labour Code to supervision of fee-charging agencies finding employment for theatrical artists;<sup>49</sup> and the Decree of January 29, 1928 directed that Maritime Employment Exchanges be wherever possible sections of Departmental or municipal exchanges.<sup>50</sup> The Minister of Labour in his Decree of March 15, 1929 outlined to the Prefects their duties under the Act of 1928, and his budget of 1930

<sup>48</sup> *J.O.*, December 14, 1928, *Sénat, Chambre, Doc. parl.*, No. 759, p. 58, and criticisms were accepted by Minister of Labour in budget discussion in Chamber of Deputies (*J.O.*, November 28, 1928).

<sup>49</sup> *J.O.*, January 21, 1928, and *Gross Rapport* for Labour Committee (*Chambre, Doc. parl.*, No. 5252).

<sup>50</sup> *J.O.*, February 4, 1928.

granted 2,800,000 francs to the public Employment Offices.<sup>51</sup> The debates of 1929 concerned primarily the defects of the Acts with regard to supervision of agricultural labourers, and it was urged upon the Government to transfer this task from the Ministry of Agriculture to the Ministry of Labour, and thus unify the whole administration of French labour supply.

#### OBLIGATORY PUBLIC ASSISTANCE ACT OF 1905

A further contribution to the building up of a general system of social insurance in France was made through the administration of the Act of July 14, 1905, on obligatory public assistance to the aged, the infirm, and the incurable.<sup>52</sup> This law of public poor relief, for it is nothing more than that, was preceded by the Act of July 15, 1893, on free medical assistance to the poor. The Act of 1905, amended by the Budget Act of December 31, 1907, and the Act of December 30, 1908, and post-war Acts of June 28, 1918, July 31, August 30 and December 31, 1920, July 19, 1925 and August 29, 1926, provided that French citizens reaching the age of 70 years and suffering from infirmity or an incurable malady were to receive as a matter of right public aid. The state contributes to the sums provided by the cities and Departments, and the aid is given either at the home of the indigent person in the form of a monthly allowance or at institutions maintained by the state for the aged poor. It is apparent that this is nothing more than poor relief, a necessary public work that in some form or other has long been undertaken in every country, but the administration of the funds has revealed widespread distress among the aged population of France. The Budget in 1907 allowed

<sup>51</sup> *J.O.*, December 3, 1929, pp. 3744-3745, debate on Employment Exchange credits.

<sup>52</sup> For the debates in 1903 on this Bill see *J.O., Sénat*, Nos. 186 and 296; Nos. 43 and 331, for 1904; No. 185 with annexes for 1905; Chamber of Deputies, *J.O.*, 1905, Nos. 56, 118, 222, 889; also *J.O., Chambre, Doc. parl.*, July 10, 1905, pp. 798 ff., for *projet de loi* adopted by Chamber, then sent to Senate and re-submitted after amendments to Chamber of Deputies; and Report by M. Louis Puech for the Committee on Insurance and Social Welfare, *J.O., Chambre, Doc. parl.*, 1905, No. 2610, pp. 798-801. The year to year report is in official volume, *Statistique annuelle des institutions d'assistance*, published annually; the years 1914-1919 were covered in a single volume issued in 1922. See *Annuaire Statistique* (1928), pp. 44-45 and p. 30, for financial tables through 1926, and the record of public assistance under the Act since 1908.

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49 million francs, and in 1914 this had been increased to 100 million francs as the state contribution; the number of persons aided in 1908 were 511,546, and in 1912 there were 644,461 indigents. The war years saw no change in the Act, except that the Government contribution was increased, and since that time there has been continued effort to increase the benefits and extend the Act to more pensioners. This form of relief was given to 526,170 persons in 1926. The Chamber of Deputies in 1926 passed a Bill the purpose of which was to include persons up to that time excluded, and in the Budget debate of 1928 the Minister of Labour promised to introduce a Government Bill completely reforming the old law of 1905. M. Loucheur, Minister of Labour, in the Budget debate on his department in 1929, promised to consider the extension of the Act and its whole working, announcing that the Government had ready its Bill to bring the 1905 Act up to date.<sup>53</sup> The 1930 Budget allotted 300 million francs, 90 million more than in 1929, as the state contribution under the Act. The problem before the Government is complicated by the fact that the new social insurance law will not apply to a large number of those benefiting by the Act of 1905, and that for a number of years its provisions will not admit the inclusion of many who necessarily will depend upon public assistance.

It is important too that the new comprehensive social insurance scheme of 1930 should not be handicapped by association in the minds of the workers and employers and the public with the institutions of public assistance. This is an old battle cry of the labour movement in both France and England. M. Vaillant at the beginning of the century in all his Bills dealing with the minimum wage and a general insurance measure voiced the policy of the Socialist members in Parliament. The attitude of the Socialist party was indicated in the counter propositions brought forward year to year, and the general statement was given in the *exposé* preceding their Bill of 1909.<sup>54</sup> It stated that "the recognition of the right of the weak, of the poor, of the worker, to an assured existence against all social risks, and the

<sup>53</sup> *J.O.*, December 2, 1929, pp. 3723-3729, for discussion, especially M. Henri Tasso (pp. 3725-3727), on law of 1905, including statements of the Minister of Labour.

<sup>54</sup> *J.O.*, December 17, 1909, pp. 216-222, *Chambre, Doc. parl.*, No. 2927. This Bill (pp. 222-223) was the same as the one of 1902 (*J.O.*, *S.E.*, 1902, p. 257), and was re-introduced in the 10th Legislature (*J.O.*, June 13, 1910, pp. 481-491, *Chambre, Doc. parl.*, No. 81).

duty corresponding of the society of which he is a member, of assuring the full exercise of this right by legal institutions of guaranty and general social insurance, is the necessary consequence of the idea of solidarity."

France like England learned from the administration of poor relief and from enforcement of early social legislation how widespread was the poverty and the insecurity of the working class, and upon such a basis the state prepared to mitigate the risks which they faced.

## II

### THE FRENCH NATIONAL SOCIAL INSURANCE ACT

The French national system of social insurance went into effect on February 5, 1930. It has a long history, the chief facts of which are here given. From 1905, when the duties of public assistance were extended, the problem of a comprehensive social insurance system was before the French Parliament. The Report of the Budget Committee in 1913 declared the essential principle of social solidarity, the ever recurring phase in French debates on this subject, had been kept constantly in mind, M. Chéron saying that "the principle effort of our last Budgets has been to carry on social reform."<sup>55</sup> Year by year the problems of public relief, the raising of standards of health, education and workers' security were discussed, and outside Parliament there was the continuing pressure of the French political and industrial movement. The sympathetic support of public opinion from voluntary associations and the mutual aid societies helped to strengthen the demands within Parliament. The years immediately after the war were filled with high hopes for quick and substantial changes in the French system of social insurance, and it was necessary that the Government act.

#### 1. *Parliamentary History of Social Insurance Act.*

The immediate cause of the comprehensive scheme coming before the French Parliament was the fact that even before the Bill was

<sup>55</sup> *J.O.*, March 30, 1912, p. 1492; compare the Ministerial statements of M. Pierre Merlon, Minister of Finance in 1905 (*J.O.*, July 6, 1905, *Doc. parl.*, No. 2565, pp. 713-714), and M. Henry Chéron (March 30, 1912, *J.O.*, *Doc. parl.*, No. 1896, pp. 466-600), and M. Caillaux on Budget of 1910 (*J.O.*, June 18, 1909, *Doc. parl.*, No. 2570, pp. 570 ff.). See *J.O.*, December 19, 1926 for Finance Law of 1927, December 28, 1927 for 1928, and December 31, 1928 for 1929.

officially adopted by the French Cabinet, a Decree of October 21, 1920, later ratified by the Act of July 17, 1922, determined that the German social insurance laws should remain in force in Alsace-Lorraine. If this German social insurance code had not been the law of the recovered French territory in all probability such a national system would not have gained for years the support it did in France. M. Millerand came to power at this time and he was sympathetic to the programme of social insurance, appointing as his Minister of Labour, M. Jourdain, an Alsatian administrator who knew thoroughly the working of the compulsory system in the newly acquired provinces. The contribution of the German system was formally denied in all the early parliamentary Reports on the Bill, each *rapporteur* boasting that the proposed national system was fundamentally French in origin and conception. They found the beginnings in the Ordinances of Colbert, September 22, 1668 and October 6, 1674, in somewhat the same way that Keir Hardie used the Statute of Elizabeth. However the Reports contained a summary of existing social legislation in all countries, and nineteenth century French Acts were cited. The Act of 1910 was the basis for any radical advance beyond ordinary public assistance.

In July, 1920 the Ministry of Labour instituted an extra-parliamentary committee to study the proposed legislation, and this was composed of members of Parliament and of representatives of all the interests which would be affected by the national system of social insurance. The workers, employers, mutual benefit societies and the medical profession set up independent committees to study the working of social insurance as it would affect them. The French Cabinet early the next year approved the scheme drafted by the Minister of Labour, and on March 22, 1921, the Government Bill <sup>56</sup>

<sup>56</sup> J.O., March 22, 1921, *Chambre, Doc. parl.*, No. 2369. See pp. 1-63 for *exposé de motifs*; pp. 66-88, for estimated working of the Act to 1967, based on Government tables; pp. 89-140, survey of insurance system in Alsace-Lorraine and in foreign countries (pp. 108-113, England), and pp. 143-226, the Government Bill. In addition to studies referred to later earlier criticisms may be found in M. Montchrestien, *Le Problème des assurances sociales en France* (1922), pp. 92-105, on England, chap. III, pp. 108 ff., criticism on project of M. Daniel-Vincent; *Les Travailleurs et les Assurances Sociales: Le Projet de Loi. Ses Obligations. Ses Avantages* (1922), published by the *Confédération Générale du Travail*; Max Turman, *Problèmes sociaux du travail industriel* (1923); Edmond Villey, *L'Etat et progrès social* (1923); Charles Cestre, *Production industrielle et justice sociale en Amérique* (1921).

was introduced in the Chamber of Deputies, sponsored by the high authority of the President of the Republic, M. Millerand, the Prime Minister, M. Briand, the Minister of Finance, M. Paul Doumer, the Minister of Justice, M. Bonnevey, and the successor of M. Jourdain at the Ministry of Labour, M. Daniel-Vincent.

The Government in their *exposé des motifs*, presented with the Bill, declared the plan of a national system of social insurance was an answer to imperious necessities. The workers had for a long time looked to the legislature effectively to intervene in providing permanent security against the risks by which they were menaced. It was not possible any longer after the solidarity of the war years to hold back reforms which could be secured through social legislation. The example of protective legislation for the fifty years past was a guide to them. The Government claimed that their Bill profited from the experience of Alsace-Lorraine, of foreign countries, and was adapted to the temperament of the French people not only in its principles but in the system of administration which was provided. Finally, the Act would give a guarantee against insecurity to the workers of France and to the whole nation a pledge of social peace.

The Government Bill was sent to the Committee on Insurance and Social Welfare. At the same time the Bill introduced by M. Grinda, who began the post-war legislative agitation for a national social insurance system,<sup>57</sup> a Bill to re-organize the national hospital service and to establish sickness and invalidity insurance, and the Bill of M. Patureau-Mirand, on compulsory insurance against sickness and invalidity,<sup>58</sup> were sent to the same committee. The Committee on Insurance and Social Welfare held 59 sessions between May 1921 and December 1922, and the Government Bill was discussed with increasing interest by the workers' and the employers' organizations and by all groups which would in any way be concerned in the administration of the Act. The discussion was a national inquest.

It is well to record the list of groups which gave official reports to the Committee on Insurance and Social Welfare, as an index of French occupational associations interested in the administration of the national system of compulsory social insurance:

<sup>57</sup> *J.O.*, February 3, 1920, *Chambre, Doc. parl.*, No. 270.

<sup>58</sup> *J.O.*, November 16, 1920, *Chambre, Doc. parl.*, No. 1016.

## I. Employers :

*Le Comité central des chambres syndicales*  
*L'Union des industries métallurgiques et minières*  
*L'Alliance de l'alimentation française*  
*La Fédération nationale du bâtiment et des travaux publics*  
*L'Union syndicale des tissus, matières textiles et habillement*  
*Le Syndicat général du commerce et de l'industrie*  
*La Confédération générale de la production française*  
*Le Syndicat des industries chimiques*

## II. Workers :

*De la Confédération générale du travail*  
*De la Confédération française des travailleurs chrétiens*  
*De la Confédération des travailleurs intellectuels*  
*De l'Union générale des syndicats réformistes de France*  
*De l'Union centrale des syndicats professionnels féminins*  
*De la Fédération nationale des syndicats d'employés*  
*De la Fédération du Livre*

III. *Mutualité* :  
(Friendly Societies)

*De la Fédération nationale de la mutualité*  
*Du Conseil supérieur de la mutualité*  
*De la Fédération mutualiste du travail*  
*De l'Union régionale des sociétés des secours mutuels du Nord*  
*De la Fédération nationale des coopératives de consommation*

## IV. Agriculture :

*De la Société des agriculteurs de France*  
*De l'Union centrale des syndicats agricoles*  
*De la Confédération nationale des associations agricoles*  
*De la Fédération nationale des travailleurs de l'agriculture*  
*De la Fédération nationale des coopératives et mutualités agricoles*  
*Le Syndicat central des agriculteurs de France*

The experience in Alsace-Lorraine was given to the Committee through reports and hearings from the chief occupational groups and from the administrators of the system. The doctors and the pharmacists of France put their observations on the Government Bill before the Committee through *L'Union des syndicats médicaux de France*, *L'Association générale des médecins* and *L'Association générale des pharmaciens*. The administrative heads of the different divisions of the Ministry of Labour were in constant con-

sultation during the hearings with the Committee on Insurance and Social Welfare.<sup>59</sup>

The work of the Committee on Insurance and Social Welfare on the Government project constituted a virtual survey of the post-war labour conditions in France, and this became increasingly evident when the Chamber of Deputies passed the Bill on to the Senate in 1924, for in this body it received a most complete study. And at the same time the Committee of the Chamber of Deputies were considering the measure, the Government asked the Superior Council of Labour to study independently the proposed scheme, and the Permanent Committee was charged with the duty of bringing together the views of all the organizations which were interested in the social insurance system. The Minister of Labour, at this time M. Albert Peyronnet, discussed the problems of social insurance before the Superior Labour Council at their November, 1922 session,<sup>60</sup> outlining the aims of the Government. It was his view that the question of social insurance and pensions was one of the principal problems which affected the relations between capital and labour. The Government sought to arrive at a solution which would give satisfaction to the aspirations of the workers. The harmonious collaboration of the two elements which contribute to production was at stake, and the importance of the problem was therefore clear. The Minister pointed out that it was of the utmost importance that the scheme should be embodied in definite legislation. "Neither manual nor non-manual workers should be compelled to lead a life of incessant labour with the risk of becoming destitute, or of losing the possibility of maintaining themselves and their families owing to the sudden loss of their physical strength. It matters little whether

<sup>59</sup> See the *Rapport Grinda*, J.O., January 31, 1923, *Chambre, Doc. parl.*, No. 5505, pp. 26-29; pp. 7-48, give the general summary of the Committee on the Bill; and pp. 43-48 give views of equality of representation of workers' and employers' associations and the limits of state intervention. See the final *Rapport Grinda* (*Chambre, Doc. parl.*, 1928, No. 5496), pp. 197-219, for official declarations of the chief groups named above, workers, employers, agriculturalists, *mutualité*, doctors and pharmacists, on the Government measure.

<sup>60</sup> Cf. *Conseil Supérieur du Travail, 16e Session. Compte rendu et rapports sur le projet de loi sur les assurances sociales* (1922). This volume contains also the reports of 14 public hearings of the Permanent Committee from June 14, 1921 to July 11, 1922 (pp. 1-96), and a *résumé* of the answers from French organizations on the *questionnaire* submitted by the Superior Labour Council on the Government Bill (pp. 97-107).



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the disastrous possibilities to which the workers are exposed are described as "hazards" (through this is often inaccurate, as they may be unavoidable) or simply as "evils." The essential point is that society as a whole should, in a spirit of national solidarity, assist the wage earners to defend themselves against the dangers by which they are constantly threatened." These were the ideas, concluded M. Peyronnet, which inspired the Government, and he was sure they would in turn inspire the Superior Labour Council in their consideration of the Bill.

The Superior Labour Council had before them at the 1922 session a majority and a minority report on the proposed national insurance system; the majority report was presented by M. Tessier, secretary-general of the Confederation of Christian Workers, and M. Pralon, the vice-president of the *Comité des Forges*, the powerful employers' organization, gave the minority report.<sup>61</sup> The principle of compulsory insurance was the chief point of difference between the reports, a question which was settled by the Superior Labour Council adopting the compulsory principle by a vote of 33 to 16. The Government were guided in the framing of their measure by these further recommendations of the Council: the national scheme should guarantee the worker and his family against the chief risks of his employment; there should be equal contributions from the employers and the workers, with the state giving subsidies; the insured persons should be divided into groups according to their annual income; in the administration of the regional funds and the employers' funds there should be an equal representation of workers and employers; the administration of the new law should be through the regional offices as much as possible; and for the adjustment of disputes there should be a specially created system of Committees of Dispute having technical and professional competence. These recommendations, it will be seen, were for the most part incorporated in the Bill.

The Bill which the Committee on Insurance and Social Welfare reported back to the Chamber of Deputies, in the first Report of M. Grinda, represented the work which had been put upon the Government project by the Committee and also reflected the remarkable interest which had been taken in the measure by the group of work-

<sup>61</sup> *Op cit.*, pp. 108-119 (Tessier Report), pp. 119-129 (Pralon Report), and pp. 130-131, recommendations of Superior Labour Council.

ers and employers and friendly societies.<sup>62</sup> The first comprehensive *Rapport Grinda* was placed before Parliament on January 31, 1923, and this was followed by three other Reports, December 21, 1923, March 6 and April 2, 1924. During this time the Bill had been studied by the Committees of the Chamber of Deputies, Finance, Civil Legislation, Agriculture, Labour, Commerce and Industry. On April 8, 1924, after three sessions of debate, July 10, 1923, April 7 and 8, 1924, the Bill was passed by an unanimous vote, and on April 9, 1924, it was introduced in the Senate.

The Committee on Insurance and Social Welfare based their appeal to the Chamber of Deputies for passage of the Bill on the necessity and urgency of the reform.<sup>63</sup> The Act would complete the French system of protective legislation for the worker; it was a law of hygiene and of prevention; even more than this, it was a law of education and social peace, and social insurance would contribute powerfully to the economic re-organization of France; also, all workers would receive protective benefits which had heretofore been reserved for a privileged minority; the fact that the workers of Alsace and Lorraine were completely safeguarded made the vote on the Bill a matter of urgent necessity.

The Senate sent the Bill passed by the Chamber of Deputies to their Committee on Hygiene and Social Insurance under the presidency of Senator Chauveau, and, with this Bill as the basis of study, the measure for a national system of social insurance was discussed three years.<sup>64</sup> There was an *avis* from the Senate Committees on

<sup>62</sup> See pp. 309-392, for Bill of Committee on Insurance and Social Welfare (First *Rapport Grinda*, *J.O.*, January 31, 1923, *Chambre, Doc. parl.*, No. 5505), and pp. 393-512, for a comparative study of the texts of the original Bill and the Committee's Bill.

<sup>63</sup> *Op. cit.*, pp. 7-13. A history and a critical analysis of the general social insurance scheme is in *Les assurances sociales* (1924), by M. Degas, the text of the Bill as adopted by the Committee on Insurance and Social Welfare and the text of proposed amendments are given; and see, Albin Jacquement, *Le problème des assurances sociales en agriculture* (1923), and M. Degas, *Le problème de l'assurance maladie-invalidité* (1922); M. Reys *La question des assurances sociales* (1925), gives the view of the C.G.T.

<sup>64</sup> The legislative history of the Bill in the Senate is found in the following parliamentary documents: the *projet de loi*, as introduced in Senate, *J.O., Sénat, Doc. parl.*, 1924, No. 376; first *Rapport Chauveau*, with first draft of counter-project, *Doc. parl.*, 1925, No. 435; Supplementary Reports in 1926, *Sénat Doc. parl.*, Nos. 182, 316, 628; the final draft submitted for Senate approval by Committee, *Sénat, Doc. parl.*, 1927, No. 110, with Reports, Nos. 213, 224, 273, 276, 278, 285. The textual history from 1924 to final Senate draft is given in

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Finance, Public Works, Commerce, Agriculture, Civil Legislation, and General Administration. During this whole period there was the continuing pressure upon the Government from the organizations of workers and employers and the *mutualistes*. The Government several times were compelled through the Minister of Labour to say that no Bill would be accepted which departed from the fundamental principles laid down in their project which the Chamber had passed. The fact that eight years intervened from the time of introduction until the final text was accepted indicates a serious study of the measure, and, it should be kept in mind, that in this period the fluctuating currency, the rising cost of living, and the stabilization of the franc, made the problems of drafting a workable Act all the more difficult. It is a fortunate thing that during this changing period continuing publicity and parliamentary debate were given the Bill. Finally, after three years of study the Senate on July 7, 1927, by a vote of 269 to 2, passed the Bill, and a greatly improved Bill was before the Chamber of Deputies for approval or rejection. The Bill as passed by the Senate was the subject of a favourable Report from the Committee on Insurance and Social Welfare, the Committee on January 26, 1928 deciding by ten votes to four to submit to the Chamber of Deputies the text of the Bill as adopted by the Senate without amendment. The *rapporteurs* for the Committee, MM. Edouard Grinda and Étienne Antonelli, urged the Chamber of Deputies to resist the temptation of offering amendments to the Senate text, for that would mean a long period of constructing a new Bill, which would delay indefinitely the benefits of the Act.<sup>65</sup> There

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parallel columns, together with the amendments asked by the Government and the Senate Committees, in the first volume of the 1928 Report of the Committee on Insurance and Social Welfare of the Chamber of Deputies, presented by M. Antonelli (*J.O., Chambre, Doc. parl.*, February 10, 1928, No. 5496, pp. 42-193). See pages 18-41 of *Rapport Antonelli*, and pp. 19-66 of *Rapport Grinda* (No. 5496, 1928) for a detailed comparison of Chamber and Senate texts and the Bill before the Senate Committees and in debate. Senator C. Chauveau, the distinguished Senate *rapporteur* on the Bill has published two studies, *Loi sur les assurances sociales. Commentaire juridique, financier et administratif* (1928), and a smaller book for students *Las assurances sociales* (1929), and M. Antonelli, *rapporteur* in the Chamber of Deputies is author of *Guide pratique des assurances sociales* (1928), both authors taking over almost entirely the Reports which they presented.

<sup>65</sup> The final Report was issued in two volumes, the *Rapport Antonelli* (vol. I), a general study of the Bill, the *Rapport Grinda* (vol. II), a survey, and dealing with sickness, invalidity and maternity benefits in particular; it was

were members of the Chamber of Deputies who were not satisfied with the Bill, but the advice of the Committee was followed, and on March 14, 1928, by a vote of 477 to 2, the approval of the Chamber of Deputies was given. The Bill was at once returned to the Senate and there was quickly passed, becoming the law of April 5, 1928.

The work which was begun in the legislative session of 1898-1902, if one does not take the more remote date of Colbert's Ordinances of 1668 and 1674, after eight years of collaboration by several Governments, Parliament and outside organizations, was for the time done. M. Grinda, who had drafted the first and last Report on the Bill, accepted the result as an achievement of monumental success, comparable, he said, to the building of the marvellous cathedrals of the middle ages, to which many generations contributed their labour; in spite of the diversities of taste and artistic conceptions of the builders, in the end a structure full of beauty and harmony was created. Their work, he told the Chamber of Deputies, was in its conception, and, it would be in its administration, a work of solidarity. There is in this hopeful estimate something of the same imagery which Mr. Lloyd George used in the debates on the national insurance scheme in 1911. It is well that the Chamber of Deputies could have this contemplation, at best a fleeting period of congratulation, before the long disputes of administrative organization centred upon the enforcement of the Act. Just before the beginning of the scheme's going into force, the Minister of Labour in the budget debates of December, 1929, could ask his critics to be patient until the national system of social insurance got under way; then, he believed, much could be done, for to him the Act was "a Charter of national security."

Section 73 of the Act of April 5, 1928<sup>66</sup> provided that within twelve months the Minister of Labour, conferring with other Ministers, and after consultation with the organizations concerned, should issue the public administrative rules covering all necessary enforcement duties of the national system of social insurance; and that ten months after this administrative Decree was published the Act was to come into effect. The Decree of March 30, 1929 by the

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presented for the Committee on Insurance and Social Welfare, February 10, 1928, *J.O., Chambre, Doc. parl.*, No. 5496.

<sup>66</sup> *J.O.*, April 12, 1928, pp. 4086 ff.; Dalloz, *Code du Travail*, pp. 870-899.

Ministry of Labour was published April 5, 1929,<sup>67</sup> one year exactly after the Act was passed, and ten months later, February 5, 1930, the French national social insurance system came into force. The Act further gave authority to the Ministry of Labour by means of a general administrative regulation to determine the method of estimating the wages and also the method of collecting the contributions on these wages, so far as agricultural contributions are concerned. The Minister was also given the power to issue a general administrative regulation governing the financial management of the insurance funds.

The Decree of March 30, 1929 contained 337 articles and was twice the length of the Act itself. On April 11, 1929<sup>68</sup> six separate Decrees provided for the internal organization and the central administration of the social insurance system, thus instituting the agencies mentioned below. The Minister of Labour by an *Arrêté* of November 16, 1929<sup>69</sup> laid down the administrative rules for Primary Funds (*Caisses Primaries d'Assurances Sociales*), the Decree of March 30 having set forth the rules for the Departmental and National Funds.

## 2. *Provisions of French Social Insurance Act.*

The national system of social insurance inaugurated by this Act provides for the compulsory insurance of all wage-earners against sickness, child-birth, invalidity, old age and death. The law also guarantees the maintenance of insurance against these risks in the event of unemployment, but there are no unemployment benefits. The provision for industrial accidents under the Act of April 9, 1898 and subsequent extensions, is not included in this general scheme, but nearly all French workers are now protected with regard to this risk. The Act is estimated to apply to 8,500,000 workers and, including the families of the insured persons, will cover more than 13,000,000 beneficiaries. It is thought that the state will in time be

<sup>67</sup> *J.O.*, April 5, 1929, p. 3974; Dalloz, *Code du Travail*, pp. 933-1004. This Decree abrogated the earlier one of March 9, 1929, that being included in this later one. In the *Journal officiel*, January 14, 1929, there was an *avis publié* inviting the organizations interested in the administration of the Act to submit their observations and suggestions.

<sup>68</sup> *J.O.*, April 11, 1929, pp. 4286-4292.

<sup>69</sup> *J.O.*, November 16, 1929.

enabled to reduce its expenditures on public assistance, and the Act provides that half the savings shall go into the state subsidy. This annual subsidy together with equal contributions from the workers and employers constitute the financial resources of the scheme. The contribution of the insured person and the employer amount together to 10 per cent. of wages up to 15,000 francs, the total contribution being made by the employer, who deducts from the wages the employee's contribution.

The principle of compulsory insurance applies to all wage-earners of either sex whose total annual earnings, exclusive of family allowances, do not exceed 18,000 francs, the effort to raise this limit to 24,000 francs having so far failed in Parliament. The limit is increased by 2,000 francs in respect to each child after the first. The liability to compulsory insurance ceases at the age of 60 years, and at this age the insured person is entitled to an old age pension, however, the insured may delay this to 65 as a right. The pensions shall not amount to less than 40 per cent. of average annual wages for persons who have contributed to the scheme for at least 30 years.

There was practical sense in the arguments of the Labour Committee of the Chamber of Deputies and the *Confédération Générale du Travail* to accept the Government measure, and this is seen when the protective clauses of the Act are read. Medical care of all kinds, medicines and appliances, hospital and sanatorium treatment, and operations are provided under the scheme of sickness insurance, and these benefits are extended not only to the insured person but to the husband or wife and unemployed children under 16 years of age. In addition the insured person, if unable to work, receives a daily cash benefit of half his daily wages. Maternity benefits are paid for a period of six weeks before and after confinement; medical care and medicines are also provided, and a monthly nursing bonus or a milking allowance is allowed. Invalidity benefits include invalidity pensions and medical, surgical and pharmaceutical benefits. Death benefits are fixed at 20 per cent. of the insured person's average annual wages. The scheme contributes to the expense of rearing children by the grant of special "family responsibilities" allowances, including increases of benefits in cases of sickness, invalidity, maternity or death, and there are temporary pensions for orphans provided. The unemployment guarantee is not an insurance against unemployment, but it does conserve the rights to the benefits arising

from social insurance during a maximum period of six months in any twelve months.

The French insurance scheme allows for voluntary insurance including farmers and share-farmers who are not compulsorily insured, artisans, small employers, intellectual workers not in receipt of a salary, and generally, all those persons who, without being in receipt of a salary, live principally on the produce of their labour. Non-wage-earning wives of voluntarily or compulsorily insured persons may insure in either the general voluntary scheme or in a special régime which the Act provides for them.

### 3. *Administration of National System.*

The insurance institutions of the system in each Department are under the control of a single fund which can open accounts for all the persons enrolled, and of various primary funds.<sup>70</sup> These special primary funds may be either autonomous mutual funds operating under the Act of April 1, 1898 on insurance funds on mutual aid basis, or workers' pensions funds, or employers' funds of any kind, or Departmental branches created by the National Office for Old Age Pensions. The autonomous funds may be created by friendly societies and by unions of friendly societies. In principle, sickness, maternity, invalid treatment, and death should be dealt with by the primary fund, while the invalidity and old age insurance should be dealt with by the single Departmental fund, however the Act allows certain special primary funds to deal with all types of benefits. The Departmental fund is responsible for all operations of the primary funds, and all primary and Departmental funds must be approved by the National Social Insurance Office. Both the Departmental and the primary funds must elect an administrative council, having at

<sup>70</sup> MM. René Hubert and René Leproust in their (1929) *Les Assurances Sociales. Tome I: La Mise en Application* (5 avril 1929–5 février 1930), cover step by step in chronological order the complex organization of the system of French national social insurance, that is, the preparatory work, and in a second volume they intend to show its normal functioning. Cf. Roger Picard, *Commentaire de la Loi 5 Avril 1928* (1928), Emile Fleury, *Commentaire Pratique et Critique de la Loi 5 Avril 1928 sur les Assurances Sociales* (1929), *Comment fonctionnent les Assurances Sociales? Guide pratique et texte annoté du décret du 30 Mars 1929*, by Henry Solus (1929), Gaston Tessier, *En Face des Assurances Sociales* (1929), and the monthly *Les Assurances Sociales* (17, rue Soufflot), established in 1929.

least 18 members, half of whom, at least, are chosen from the insured members, two physicians chosen from a list presented by the physician's association, and, with the exception of the primary funds founded by the insured, at least six employers chosen from a list submitted by the employers of the persons insured in the fund. The Departmental funds may group themselves in regional unions, and in a national federation, for the purpose of founding institutions of common utility, such as social hygiene organizations, curative and preventive institutions, sanatoria, dispensaries, convalescent homes and asylums.

The general administration and supervision of the national system of social insurance is performed by the Superior Social Insurance Council, the National Office and the Departmental and Inter-Departmental Social Insurance Offices, and the General Supervisory Department of the Minister of Labour. The Superior Social Insurance Council is entrusted with the examination of all questions relevant to the operation of the Act of April 5, 1928 especially charged with giving its opinion on all drafts of, and proposals for, laws and regulations relative to social insurance. The Minister of Labour is chairman of the Council. Because the composition and duties of the Superior Social Insurance Council attest to the principle of collaboration in administration of social legislation which this study has emphasized, the members will be given to indicate the wide range of interests they represent.<sup>71</sup>

The following members are nominated for four years :

Two senators and 3 deputies elected by their colleagues ;

Three mayors and 2 general councillors (*conseillers generaux*) nominated by the Minister of the Interior ;

Two state councillors (*conseillers d'Etat*) elected by the Council of State (*Conseil d'Etat*) ;

One delegate of the Superior Council for Public Assistance nominated by the Council ;

Two delegates of the Superior Council of Labour, one each from workers' and employers' organizations ;

Two delegates of the Superior Council for Mutual Benefit Societies elected by Council ;

Two members chosen by the Superior Council for Commerce and Industry, one from workmen, one from employers ;

<sup>71</sup> Article 72 of Act of April 5, 1928.



Two members nominated by the Superior Council for Co-operation, one nominated by the consumption section, one nominated by the production section ;

Two members chosen by the Superior Council for Agriculture, one from the employers, one from agricultural workers ;

One delegate of the Superior Commission of the National Office for Old Age Pensions nominated by the Commission ;

Two representatives elected by the members of the Administrative Council of the agricultural mutual re-insurance funds governed by the Act of July 4, 1900 ;

Three directors or administrators of the primary funds nominated by the members or the committees of management of these funds ;

Three directors or administrators of the Departmental funds nominated by the members or the committees of management of these funds ;

Four insured persons elected by the members of the committees of management of the primary funds ;

Three persons known for their competence in questions of social insurance or welfare or unemployment, nominated by the Minister of Labour ;

Four delegates of the professional bodies of whom three must be doctors and one a pharmacist nominated by the national unions of their professional associations ;

Two representatives elected by the members of the joint commissions for labour exchanges, one an insured person and one an employer ;

Four directors or administrators of the labour exchanges, elected by the members of the administrative councils of these exchanges.

There are 13 *ex officio* members of the Superior Council in addition to these 53 members, the Act naming the chiefs and directors of social services in the Government departments. The Act further provides that the Superior Council on Social Insurance elect a standing or permanent committee composed of (1) Ten of the members elected to the Superior Social Insurance Council in their quality of wage-earners, insured persons, or representatives of the funds and offices chosen by these funds and offices ; (2) One senator, one deputy, one state councillor, one employer, one agricultural employer ; one representative each of mutual benefit societies, of agricultural mutual benefit societies, of unemployment or insurance or relief funds, and one technical expert in insurance questions ; and three representatives of the professional associations practitioners, of whom two must be doctors ; and (3) *ex officio* members named by the Act. This Permanent Committee constitutes the Administrative Council of the National Social Insurance Office. This Ad-

ministrative Council discussed the measures relative to the organization of the social insurance service, and measures appropriate to ensuring the application of the law.

There are likewise Administrative Councils, similarly constituted, which supervise the Departmental and Inter-Departmental Social Insurance Offices, instituted to ensure the application of the law. Disputes which arise from the working of the Social Insurance Act are submitted according to their nature either to a cantonal commission, or to a technical medical commission, or to a tripartite Departmental Commission. Thus disputes arising from the insurance procedure are decided by these administrative courts, and a superior administrative court will sit at Paris to decide appeals from the lower courts. The general supervision of the application of the law is confided to the existing pensions department of the Ministry of Labour.

The financial burden on the state involved in this social insurance system is considerable.<sup>72</sup> The entire costs of administration of the insurance funds and of the insurance offices are to be borne by the state. In addition the state assumes the entire cost of the birth allowances,<sup>73</sup> besides the subsidies to the sickness, invalidity, old age and maternity insurance. The Act also provides subsidies from the

<sup>72</sup> See first *Rapport Grinda*, pp. 163-190, final *Rapport Grinda* (1928) pp. 48-66; and the general tables of estimates for first 45 years in Government Bill (No. 2369, 1921), pp. 66-87.

<sup>73</sup> The literature on this subject and of state aid to large families in France is abundant and most interesting, and is in general related to the problem of social legislation. See especially the semi-official volume, *L'assistance et l'encouragement national aux familles nombreuses. Lois, décrets, circulaires et jurisprudence* (1925), which covers the laws, decrees and circulars relating to family allowances for the period from July 14, 1913 to June 7, 1924. The subject is dealt with in the *Annuaire* of the *Comité Central des Allocations Familiales*, which each year includes the subjects of family allowances, their juridical character, with legal opinions, decisions, and decrees concerning such grants and legislation. The proceedings of the Ninth French Congress on Family Allowances at Tours in 1929 show that there were at the time 229 such Funds in France, covering 23,000 undertakings, including 1,740,000 workers, and grants equally 290,000,000 francs. See M. Hauriou, *Droit constitutionnel*, pp. 67-68, 101-102, 613-615, for suggestive statements on the general theory of the rights of family representation in politics and economics, together with references to discussion in Chamber of Deputies; and E. F. Rathbone, *The Disinherited Family: A Plea for the Endowment of the Family* (1924), also pamphlets of the Family Endowment Society (50, Romney St., Westminster), and the survey *Family Allowances* by the International Labour Office (1924). See also *Annuaire Statistique* (1928), pp. 57-58, last official French figures on subject.

state for the erection of sanatoriums and convalescent homes. The cost to the state of the proposed insurance system during the first year of operation has been estimated at 376,000,000 francs, by the Minister of Labour. It has been further estimated that during the first 11 years the annual cost to the state would rise to 578,000,000 francs, and fall to 475,000,000 after 45 years. The cost of changing from the old insurance law of 1910-1929 to the new insurance system, which has been estimated at 123,000,000 francs, is also borne by the state.

The history of the inauguration of the French national system of social insurance is somewhat similar to the same period in England in 1910-1912, although France did not possess the well-established insurance institutions nor the long administrative experience of social legislation which could be counted upon for strong support. The same opposition in France to the system by the mutual aid insurance funds (*caisses de mutualité*) was met in England, and likewise there have been long conferences by the Ministry of Labour with these groups, the C.G.T., and with the professional groups, doctors and pharmacists, concerned. The agricultural interests, especially in the Senate, have been active in France for changes in the administration of the law. In an attempt to meet the criticisms of the Act, the French Government early in 1929 introduced an amending Bill in regard to the functions of the Departmental funds, the management of the funds, the investment of surplus revenue and voluntary contributions.<sup>74</sup> These are administrative changes which would not affect the insurance principle of the system, but they indicate that France will for some years have a difficult time in adjusting the conflicting demands of the employers, the workers, and the *mutualistes* in the enforcement of the national social insurance system. In spite of many obstacles to putting the Act into force, M. Tardieu's Government pledged itself in their Ministerial statement in November 1929 that there would be no delay in carrying out the law.

The opposition to the new national insurance system continued, however, especially on the part of employers. The social insurance controversy reached such political significance early in 1930, that the Government was compelled to set aside the whole of debate time on February 7 and 8 for interpellations on the social insurance

<sup>74</sup> *J.O., Sénat, Doc. parl., 1929, No. 168.*

scheme. The Government victory at the end of the debate was by a majority of 58. Opponents to the scheme asked that the Government suspend the enforcement of the law, but friends of the system feared that postponement would mean putting the working of the Act off indefinitely. M. Tardieu, who had returned from the Naval Conference in London specially to attend the discussion, promised that the amending Act would be passed and the law would be fully in operation by July, 1930.

The official Government policy, which was given by M. Loucheur, Minister of Labour, reflected the situation in France. Criticisms of the scheme, M. Loucheur said, had been made on moral, administrative, economic, and financial grounds. So far as the first class of objection was concerned, it had been said that the measure would conduce to laziness on the part of the workers. The experience of other countries had disproved that possibility. Moreover, in that part of France where social insurance was in operation, Alsace, the figures of working days lost were conclusive. Abuses there might be, but they were small in proportion to the benefits involved. The contention that the scheme had administrative objections was rather more serious, but every effort had been made to avoid the disadvantages of bureaucracy and to simplify the administration of the measure as far as possible. Much has been made of the economic disadvantages of the scheme, but the country was in a sound state and could well support it. If Belgium, with far fewer resources, could make a success of social insurance there was no doubt that France could do the same. As for the talk of an increase in prices, there was not the slightest justification for anything of the kind. The financial side, equally, was sound. Protests had been made by Chambers of Commerce against the special arrangements made for agricultural workers. Careful inquiry, however, had shown that some sort of state assistance was necessary in view of the diminishing numbers of the rural population, which, standing at 76 per cent. of the total in 1846, was now only 30 per cent.

The history of national social insurance in France will repeat much of what is familiar in the similar scheme in England, but it is certain that France, in her own spirit and in her own way, will work out a different system.

## CHAPTER VIII

### POLITICAL ASPECTS OF THE FRENCH LABOUR MOVEMENT WITH REFERENCE TO SOCIAL LEGISLATION

So much of change has taken place in the life of France since the beginning of the century that to go back to 1899 and 1900 in the French Labour movement seems in spirit much farther removed than is actually the fact in time. Yet the echoes of those years still are heard in the Parliament of France and in the congresses of workers. The results of progress are often deceptive and changes may mean less than it was hoped or thought they would mean. A survey of that earlier period will show the application of this truth.

Neither in political nor in economic organization had the French Labour movement in 1900 kept pace with the industrial progress of the country. One of the most important reasons for the reconstitution of the syndicates, it has been noticed, was to combat the organization of the employers of France, who, said Bryce, have been "out for themselves first, last and all the time."<sup>1</sup> At the beginning unsocial energies were loosed that have continued with almost uncontrolled power. The concentration of the economic resources of France in the hands of the employing class was the result of the uninterrupted industrial development of the nation since the Commune; and this power was more effectively used against the workmen when the employers formed trusts and combines.<sup>2</sup> The one thing left to the

<sup>1</sup> Bryce, *op. cit.*, vol. I, pp. 335-336; also B. G. Montgomery, *op. cit.*, pp. 5, 9-10.

<sup>2</sup> See articles in: *Le Mouvement Socialiste* [L.M.S.] "L'Organisation Patronale en France," Nos. 200-204, 1908: July 15, "La Métallurgie," A. Merrheim, pp. 5-25; August 15, *ibid.*, pp. 81-95; Sept. 15 and Oct. 15, "Patronal Organisations," pp. 178-197, 270-277; Nov. 15 and Dec. 15, "Les Comités Régionaux" and "Comité des Forges," pp. 338-362, 408-425; Feb. and March, 1909, "Le Bâtiment," A. Picart, pp. 81-92, 206-215; June and Nov.-Dec., 1909 "La Métallurgie," A. Merrheim, pp. 431-448, 321-346. The British and American consular reports on French industry since the war are very suggestive; they deal at length at times with internal labour disputes and industrial reorganization.

workmen with which to fight the employer in his general protective syndicate was the double weapon of economic and political organization.<sup>3</sup> The scientific method of industrial and commercial progress by combination and interlocking directorates, suggested to the militant working class of France, as it had earlier to the trade unionists of England, the new method of labour organization.<sup>4</sup>

## I

THE GENERAL CONGRESS OF 1899-1901 AND  
EFFORTS FOR UNITY

At the Paris Congress of 1899, M. Lagardelle declared that the Labour movement had reached a period of evolution when new forms of organization and action should be substituted for the old; that the necessities of social evolution made necessary the re-shaping of the working class movement.<sup>5</sup> From one of the spokesmen of the revolt which was forming at that time this belief is important. It was a reaction from the "decentralized collectivism" of Jaurès, as well as to the rigid economy of the politics of Jules Guesde. M. Compère-Morel endeavoured further to define the problem of the Labour movement of 1900, urging the complete re-organization of the Socialist party from the political and economic point of view. The party had reached the stage of evolution where it was necessary to apply the scientific method, finally looking to that period of transformation in the working class movement of the whole world which would establish the universal Republic, based on equality,

<sup>3</sup> Cf. M. Compère-Morel, *La concentration capitaliste en France* (1913), pp. 45-47; also Paul Louis, *Histoire du socialisme français*, pp. 374-378.

<sup>4</sup> See Maurice Bourgin, *Les Systèmes Socialistes et l'Évolution Économique* (1904), for a general statement on capitalism and the organization "of collective forces which give to the contemporary economic movement its real character" (p. 350); note chap. XV, T. IV, on English trade unions.

<sup>5</sup> Cf. *Compte Rendu Congrès Général des Organisations Socialistes Françaises*, Paris, 1899, pp. 316-321; the speech of Lagardelle followed Guesde. Cf. Bourguin, *op. cit.*, pp. 28-40, on Jaurès; pp. 113-134, on Guesde. The Labour movement becoming "self-conscious" is plainly seen in many such speeches in the French Congresses, and for the same evidence see the presidential address of the 1900 Trade Union Congress, *London Times*, September 5, 1900, p. 10.

justice and solidarity.<sup>6</sup> Throughout the Congress the major problem was the attainment of the unity of the French Labour movement. The *Comité d'Entente* insisted on the importance of a Congress that would bring together for the first time all the political and economic divisions of French Socialism. It should bring about, it was said, a new era in the diffusion of theories, making more effective all means of propaganda; uniting all who had in common the same principles and the same aspirations, believing in "the organization of a new society by the working class." The work of those directing their efforts toward this new social order should not divide the energies of the proletariat. They could unite on the basis of the class struggle, working to bring about "complete social revolution for and by the workers."<sup>7</sup>

The Constitution of the 1899 Congress was the same as that which served for the *Comité d'Entente*: The organization of the working class as a class party for the conquest of power; and the socialization of the means of production and exchange—that is, the transformation of the capitalist society to a collectivist or communist society. The Congress was composed of delegates from the five Socialist groups which formed the *Comité d'Entente*, delegates from study groups, societies of propaganda and permanent political groups not affiliated in the five large parties.

The order of the day as determined by the Committee was: (1) The Class war and the obtaining of public power: (a) By what means, and conforming to the principle of the class war, can the Socialist organizations take part in national, departmental and municipal government? (b) Ways and means of obtaining power: political action, electoral or revolutionary; economic action, strikes, general strikes, boycotting, etc. (2) The attitude of the Socialist party with regard to the various conflicts of the bourgeoisie, militarism, clericalism, anti-semitism, nationalism, etc. (3) Socialist unity, its theoretical and practical conditions; central control of the activity, propaganda and organization of the different Labour organizations.<sup>8</sup>

It was to be expected that a Congress composed of all shades of

<sup>6</sup> Cf. *Congrès Général des Organisations Socialistes Françaises, Compte Rendu*, Paris, 1899, pp. 335-339.

<sup>7</sup> *Op. cit.*, *Circulaire de Convocation*, pp. v-viii.

<sup>8</sup> *Op. cit.*, p. vii.

opinion in the French Labour movement would be a most lively one, but the remarkable thing was that the Congress did succeed in doing a great deal of what it set out to do. This is largely due to M. Jaurès, the master of the Congress, who had the brilliant support of MM. Briand and Viviani, and effective helpers such as MM. Revelin, Carnaud and Champy. Reading the proceedings of the Congress one is impressed that there was a basis for believing that the time had been reached when a will for unity was present in the French Labour movement. The Congress performed a service at the time that was effective in shaping future events. The Paris Congress of 1899 seemed to be an approach to a united Labour movement, due to an enthusiasm for unity, and ever since, every French Socialist carries about with him deep down in his heart, the wish for such a national party.

However Socialism, as Shaw predicted, might "merge more and more into ordinary progressive politics," or, as the French determinists feared, become "invaded by Radicalism" and "undone by Ministerialism," it was concerning itself with every problem that had to do with the lives of the working class.<sup>9</sup> The very close contact of the Labour movement to the lives of the people was the means whereby it educated the less unsocial qualities of its members. The forecast of Shaw's was largely true of the first fourteen years of this century, in France and England, and it was thoroughly in keeping with the spirit of the parliamentary leaders of Labour, who saw that the same thing was happening to Socialism that happened to Benthamism. "A positive State actively co-operating with the individual, owning and controlling property, building up a communal organization in which the individual is to find liberty and self-realization, is becoming an axiom in legislation."<sup>10</sup> But with this

<sup>9</sup> Cf. *Labour Annual*, 1900, p. 105, "The Future of Socialism—A Forecast," George Bernard Shaw. Cf. *Compte Rendu Congrès Général des Organisations Socialistes Françaises*, Paris, 1899, the speech of M. Vaillant, pp. 88–95. Cf. *Compte Rendu Deuxième Congrès Général des Organisations Socialistes Françaises*, Paris, 1900, the speech of Vaillant, pp. 208–223; "Socialisme ou Démocratie," H. Lagardelle, *L.M.S.*, April 12, pp. 673–687; No. 88, April 19, pp. 270–281, "Ministerialisme et Socialisme," H. Lagardelle; also by the same author in Nos. 89 and 91 (April 26 and May 10) "Socialisme ou Démocratie," pp. 774–781, 889–897. The above is a thorough survey of the internal development of French Socialism in the period, and remains perhaps the best statement of the revolutionary attitude against Jaurès.

<sup>10</sup> Cf. MacDonald, *Socialism and Government*, vol. II, pp. 5–7.



change there had come a difference in the attitude of Labour representatives who may at first in the earliest days of Labour successes have held a narrow and short-sighted view of their parliamentary duties. Not any more so than many of the elected representatives of other parties, but a like change has taken place among the members of Parliament, it is believed, in all parties. Parliament is not the place for political purists, and there are few places where special knowledge and actual experience can be more serviceable when given to the state, and it is certain that Labour representation in both England and France has helped to broaden the conception of the work of Parliament. It is doubtful if at any time class bitterness or class consciousness has been materially increased by the presence of the Labour representatives in any constituency. But, on the other hand, there is much reason for the belief that their years of work have actually lessened these two curses of democracy. There is special reason for noting this service of Parliamentary Socialism in France. Bringing government home to the people may have at times resulted only in disillusion but more often it has helped to convince the voter that it is at least a changing institution, and that it is an expression of the good and the bad in the community. Labour representation in England and France has helped to unify the political life of the nation, and this contribution can be noted in both countries from 1900 down to the elections of after-war years. A commentary on this fact may be noted in the remarks of Mr. Baldwin on the political situation in his country in 1926. He said, with Conservative bias, of course, "that many of those who seemed to be running most wild in their political views were men led astray by insufficient education or experience, but were truly desirous of bettering their country. He went on to say that he had found the study of the various types in the House of Commons a very interesting occupation. He found there, "especially among the Labour party, men who fifty years ago would have gone into the Christian ministry. They have been brought into political life from a deep desire to help the people. Such were common in all parties today. They were facts which relieved the darkness of the outlook."<sup>11</sup> This kind of estimate illustrates a profound difference in British and French Socialism.

In France the old constitutional feuds were dying out in the early

<sup>11</sup> Quoted in *Manchester Guardian Weekly*, February 26, 1926.

years of the new century, and, while the bitterness of political controversies was deep and far-reaching, Parliament was forced to take account of the changing industrial conditions in France and make the attempt to shape the growing life of the nation to meet the new facts. Just at the beginning of the century the whole nation was in turmoil, and there seemed to be little prospect of a stable régime for the work of a democratic constitutional system. But there were strong forces at work throughout the nation which had to be reckoned with, and from many directions came support for the constituted national authorities. At this time there was the demand for unity within the French Labour movement. The demand for unity implied a substantial growth in the consciousness of the French Labour movement, a recognition that the time had come for it to play a more important part in the life of the nation. The organization of the Labour movement in the modern democratic State was the problem of the Congress of 1899; and this problem had been slowly forming within the political and economic development of France since the Commune. England and France each had to set itself to this common task, but the preparation of the working class of the two nations for the duty was vastly different.<sup>12</sup> The revolutionary tradition of the French Labour movement was a product of the bitter struggles of its leaders against an unfriendly and hostile state, at no time too secure against revolt. This conditioned the development of the social theory and political practice of the working class. But the heritage of the English Labour movement was greatly different; British Socialism looked back to the idealist Robert Owen with his stress on human brotherhood and not to the realist Karl Marx with his "class war."<sup>13</sup> Frederick Engels wrote in 1886 (the Editor's Preface to the first English edition of *Capital*), that the theory of Karl Marx was the result of a life-long study of the economic history and condition of England; and that study led to the conclusion that at least in Europe, England is the only country where the inevitable social revolution might be effected by peaceful and legal means.<sup>14</sup> That is only possible where class hatred is a diminishing quality in social progress. Except at a few

<sup>12</sup> Cf. Bryce, *op. cit.*, vol. I, pp. 297-361.

<sup>13</sup> Cf. Sidney Webb's Presidential Address at the Trade Union Congress, June 23, 1923, *Trade Union Congress Report*.

<sup>14</sup> *Op. cit.*, p. xiv (17th ed. 1920).

crises, this has been held to be true of England where there has existed "very little class hatred and no permanent class antagonism, neither is there today."<sup>15</sup> Even the rapid rise of a Labour party has not, it may safely be said, tended to create class barriers or promote social strife. At both ends of the social scale there is an equal failure to consider the common good, and if any effort is made to assess the blame the dispossession of one class certainly serves as a mitigating circumstance, while social duty devolving upon the ruling class has often been very lightly held.

An American student of English Government wrote in the first decade of this century that parties in England were by no means divided on class lines, and unless the Labour party should grow in a way that seemed unlikely, there was no probability that they would be so divided in the near future.<sup>16</sup> The development of the Labour party has confirmed this view. However, the prediction has often been made that parties would divide into rich and poor, fighting over the distribution of property,<sup>17</sup> the only durable source of faction, said Madison. This is a very popular view of the class struggle in politics, which has marked the degradation of parliamentary life in the industrial nations. "The whole of Parliament has become a façade behind which go on the operations of finance capital and the real Government of the country,"<sup>18</sup> is a point of view which if long held by responsible groups would tend to destroy responsible legislative life.<sup>19</sup> The acceptance of the doctrine among all classes that Parliament is a prejudiced tool for special interests, is an outstanding question for modern democracy squarely to meet

<sup>15</sup> Bryce, *op. cit.*, vol. I, p. 348.

<sup>16</sup> Lowell, *The Government of England*, vol. II, p. 534.

<sup>17</sup> Cf. G. Lowes Dickinson, *The Development of Parliament During the Nineteenth Century* (1896), p. 163 quoted by Lowell, *op. cit.*, p. 533.

<sup>18</sup> Cf. *Labour and Capital in Parliament*, vol. III of Labour Research Department Studies in Labour and Capital (1923), p. 6 (new edition 1929). Cf. the speeches of M.M. Cachin and J. Doriot in the Chamber of Deputies, 22-23 August, 1924, published by the *Parti Communiste Français* (S.F.I.C.), "Contre le Plan Dawes et la Trahison Socialiste," No. 5, *Les Cahiers du Militant*; see also A. Friedrich, "Le Plan des Experts et l'Asservissement des Masses Laborieuses," No. 3, *Les Cahiers du Militant* (1924).

<sup>19</sup> Cf. *Financial Times*, Sept. 26, 1921, when there was a difference between the Government and the banks. "Does he, and do his colleagues, realize that 'half a dozen men' at the top of the five big banks could upset the whole fabric of Government finance by refraining from renewing Treasury bills?" Quoted in *Labour and Capital in Parliament*, p. 6n.

if government on a democratic basis is to endure. The belief that government can be good has been strengthened by the religious movements which have occurred in England, playing a part in the course of political and social history of England that has no parallel in France.<sup>20</sup> The Wesleyan and Baptist movements "helped to develop many of the moral qualities and sober aspirations which have often distinguished the Labour movement of England from that of the Continent," Trevelyan believes.<sup>21</sup> On the other hand there was the place of the Christian aristocrat, Lord Shaftesbury, who softened "in the manner of his age, as he had softened in its politics the savage logic of the Industrial Revolution."<sup>22</sup> It would be difficult exactly to estimate this heritage of the English Labour movement, but when one recalls the delightful humour of the French delegate<sup>23</sup> to the Trade Union Congress who reported the strange fact that the Congress opened with a sermon (and a bad one, he said!), the point of difference at least is clear.<sup>24</sup>

The main interest just here is that such a background greatly helps in an understanding of the progress that the Labour movements in France and England have made away from the narrow and embittering doctrine of class war. The extension of that dogma into Parliament, with all its destructive and anti-social power, was one of the weaknesses of early Socialism. The Kautsky motion which passed the International Socialist Congress in Paris, 1900, was an indication that the Labour movement had set itself resolutely to the task of bringing in the new social order by legal and parliamentary means. The history of the progress of this doctrine can

<sup>20</sup> Cf. Margaret Pease, *Jean Jaurès*, with an Introduction by J. Ramsay MacDonald (1916), pp. 50-53, 77-79, expressing Jaurès' view on the great disturbance that was caused when he allowed his daughter to receive communion. This was a matter for the whole French Labour movement!

<sup>21</sup> G. M. Trevelyan, *British History in the Nineteenth Century, 1782-1901*, pp. 160-161, 183; see also Dicey, *op. cit.*, pp. lviii-lix. Cf. A. V. Woodworth, *Christian Socialism in the Church of England* (1902), pp. 48-58.

<sup>22</sup> See J. L. and Barbara Hammond, *Lord Shaftesbury* (1924); and also, *The Town Labourer, 1760-1832*, chap. xi, pp. 221-246; and note the conclusion, chap. xvi, pp. 320-329.

<sup>23</sup> Cf. Jean Longuet, "Le Congrès des Trade-Unions Anglaises," pp. 467-481, *Le Mouvement Socialiste*, October 15, 1901.

<sup>24</sup> Edouard Berth's account of the life of Paul Lafargue in *Le Mouvement Socialiste*, is in point. Lafargue's last statement before suicide is there given. Sorel pointed out that the revival of religious interest in France was largely due to Jaurès.

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be seen in the workers' congresses in France with their constantly enlarging programme of reforms set forth by the political groups. A marked tendency of cumulative reasonableness and a deeper social consciousness of solidarity can be traced from 1900. The two general Congresses of all the Labour groups in France at Paris in 1899 and 1900, provide a contemporary commentary of the attitude toward political action and the growing sense of responsibility which the political Labour movement felt for its share in the common parliamentary life. The resolutions, the speeches, the agenda of the Congresses, show that there was an increasing faith in parliamentary progress; opposition to violence and illegal methods; and a widening of the meaning of class struggle to include the whole of the problem of social and economic emancipation. The French Socialists have failed most often when the narrower views of the party's function in Parliament have dominated.

The Kautsky motion, while like the Saint-Mandé Programme excluded recourse to violence, illegal or revolutionary force, declared that in the modern democratic state, the conquest of political power by the working class cannot be the result of a sudden stroke; but of a long and painful effort of working class organization on the economic and political terrain; by the regeneration physically and morally of the working class; by the gradual conquest of municipal government and legislative assemblies.<sup>25</sup> This is a clear statement of reformistic Socialism at the beginning of the century, and it is not to be interpreted, as parliamentary history in France and England has borne out, as the laying down of a too strict doctrine of "political class consciousness." Class conscious Socialists of the Marxian school predominated at this International Congress, but after affirming the class war in economics the Congress decided in view of the position of Millerand, that Socialists might serve in a middle class administration. An Englishman observed that, "It was a significant mark in the evolution of Socialist opinion."<sup>26</sup> The general strike was voted down; municipal experiment in Socialism was urged; and while the Congress declared against a minimum

<sup>25</sup> Cf. A. Zévaès, *Le socialisme en 1912 (Conclusions et Annexes)* (1912), p. 5; a serviceable book which includes more than title suggests; also Albert Thomas, *La Politique socialiste* (1913).

<sup>26</sup> *Economic Journal*, vol. 10, Dec., 1900, "International Socialist Congress," J. Ramsay MacDonald, pp. 574-575.

wage<sup>27</sup> its temper was shown in the resolution which was passed in favour of a minimum wage obtained by Trade Union action and by the pressure of Labour opinion on the economic policy of public authorities.

The same problem which the Kautsky motion tried to solve was the first question of the Paris Congresses; the debates centring about the class struggle and the conquest of public powers.<sup>28</sup> This question was the dividing point of the French Labour movement; and it was here that the leaders chose to wage the battle. French Socialism had "the honour and the peril" of bringing to a head the controversial problems of theory and tactics which were prominent in the Labour movement of the industrial nations at the beginning of the twentieth century.<sup>29</sup> The Reformist, Evolutionary or Parliamentary Labour group was opposed by the Revolutionary or Direct Action Group. The speeches of Jaurès at the congresses in Paris 1899<sup>30</sup>—1900<sup>31</sup> and Lyons, 1901,<sup>32</sup> may be taken as the complete statement of the position of the former group, as opposed to the Guesdists and their varying supporters.<sup>33</sup>

M. Jaurès, who constantly sought to bring together the best in the whole of Socialist and Labour thought, based his efforts at these congresses on two main points: That "political liberties are the essential condition of the working class movement";<sup>34</sup> and that the growth of power by the Labour movement imposed decisive responsibilities.<sup>35</sup> This is closely akin to the English doctrine of Labour.

<sup>27</sup> The attitude of the English Trade Unions for years was solidly against this, due to a fear of the legal machinery involved; the changing opinion is noted later.

<sup>28</sup> Part I of Order of the Day.

<sup>29</sup> Zévaès, *op. cit.*, p. 4.

<sup>30</sup> Cf. *Compte Rendu Congrès Général des Organisations Socialistes Françaises*, Paris, 1899, pp. 54-63, 274-280, 392-393.

<sup>31</sup> Cf. *Compte Rendu Deuxième Congrès Général des Organisations Socialistes Françaises*, Paris, 1900, pp. 167-169, 253-255.

<sup>32</sup> Cf. *Compte Rendu Troisième Congrès Général des Organisations Socialistes Françaises*, Lyons, 1901, pp. 77-88, 384-385.

<sup>33</sup> Cf. *Compte Rendu Congrès Général des Organisations Socialistes Françaises*, 1899, pp. 175-188, 280-282, 313-316; 1900 Congress: pp. 56, 105, 145, 146; 1901 Congress: pp. 92-95; for M. Lagardelle's speech; note also pp. 382-384, on the De La Porte motion.

<sup>34</sup> *Compte Rendu Congrès Général des Organisations Socialistes Françaises*, Paris 1899, p. 55.

<sup>35</sup> *Op. cit.*, p. 58.

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At the first congress Jaurès asked, "Can it be possible that the working class, with its strong organization today, is disinterested with regard to the peril which menaces the Republic? We have all said that the political Republic is the condition of the social Republic; that to bring in social justice, to get control in the mines, in the manufactures, the workers must first be in control of the cities. In consequence to strike at political liberty is to menace the hope of the social Republic."<sup>36</sup>

Jaurès assumed as an undeniable fact that the entrance of M. Millerand in the Cabinet of Waldeck-Rousseau was a sign of the strength of socialism.<sup>37</sup> Unlike Paul Lafargue<sup>38</sup> who saw in it "that the Socialist party was able to take over the direction of social affairs," creating a confidence which would insure "the success of the approaching revolution," he held that it involved more of responsibility than peril for the Labour movement. M. Jaurès said that Lafargue had "resuscitated and galvanized our old enemy the bourgeoisie," and proclaimed the incapacity of the Labour movement.<sup>39</sup> The entrance of Millerand, for Jaurès, was a strong argument for the unity of the Labour movement. The effect with regard to political influence and economic power was more of control for the worker.<sup>40</sup> M. Viviani strongly supported Jaurès at the first three Socialist Congresses,<sup>41</sup> urging the Labour movement to face the facts which daily made more necessary preparation for the task of control in the city, the department, the state, convincing all men that it understood the larger interests of France. It should be not only a "party of doctrine, but also a party of action," proving that it was the only possible Government for France.<sup>42</sup>

<sup>36</sup> *Op. cit.*, p. 59.

<sup>37</sup> *Compte Rendu Troisième Congrès Général des Organisations Socialistes Françaises*, Lyons, 1901, pp. 77-91.

<sup>38</sup> *Compte Rendu Congress 1899*, pp. 110-119; compare M. Lagardelle, pp. 316-321, for two speeches which most nearly provide a statement of those who differed from Jaurès. Cf. Paul Lafargue, *Le Socialisme et la Conquête des Pouvoirs Publics* (Lille, 1899).

<sup>39</sup> *Compte Rendu Congress 1899*, pp. 56, 62.

<sup>40</sup> Cf. *Les Deux méthodes*, Conference by Jean Jaurès and Jules Guesde, at the Hippodrome Lillois, published by the *Parti Ouvrier Français* (1900), for a sharp statement of the essential differences in the French Labour movement on the class struggle (pp. 2-3, Jaurès; pp. 10-11, Guesde); tactics and the *Cas Millerand* (pp. 5-8 Jaurès; pp. 13-15, Guesde).

<sup>41</sup> *Compte Rendu*, 1899 Congress, pp. 53-54, 140-146, 168, 405; *Compte Rendu*, 1900 Congress, pp. 191-206; *Compte Rendu*, 1901 Congress, pp. 141-143.

<sup>42</sup> *Compte Rendu*, Paris Congress 1899, pp. 140-146.

The *Cas Millerand* gave full opportunity for MM. Briand and Viviani to develop a well-rounded theory of politics for the Labour movement. M. Briand, defending Millerand, to the discomfort of the Guesdists, showed how the expansion of the political Labour movement had largely profited by the evolutionary tactics of Millerand, who had left no one in the dark as to his reformistic convictions. Briand pointed out that the attitude of Guesde and Lafargue had been one of distrust for the deliberative assembly, yet the exigencies of the electoral struggle, especially in their advocacy of the eight hour day and the minimum wage, had forced them to make valuable concessions, successively represented in the electoral programme.<sup>43</sup> The lure of the electoral battle and the immediate results often obtained had inspired a lively interest in parliamentary tactics. "Yes, you became interested in these struggles which gave immediate results, and little by little, our militant comrades also became interested in them, took a liking for them to such a degree that they soon came to believe that in order to triumph definitely over the capitalist society nothing was necessary but to storm the ballot boxes. Thus within recent years the country could gain the impression that the Socialist party was no longer a revolutionary party."<sup>44</sup>

The very fact that deviations had occurred in the revolutionary tradition of the party, the *Parti Ouvrier Français* and the *Parti Socialiste Révolutionnaire*, concurring in them, made the share of responsibility for each group the same. The result was that a Socialist Independent entered the Government, free of blame and not liable to censure.<sup>45</sup> The leaders who had objected to that action were chief among those who had recognized the nationalist, clerical and reactionary menace, joining together to form the *Comité de Vigilance*. The force of circumstances and the progress of revolutionary ideas, said Briand, made it "impossible to adapt the old revolutionary thought to the transformation of modern society."<sup>46</sup>

The results of the first general congress are indicated in the decisions which were arrived at on the questions included in the

<sup>43</sup> *Le Programme du Parti Ouvrier, Ses Considérants, Ses Articles*, was published by Guesde and Lafargue in 1880; also Lafargue was author of *Le Programme Agricole du Parti*, published by the *Ouvrier*.

<sup>44</sup> *Compte Rendu*, Congress 1899, p. 155.

<sup>45</sup> *Op. cit.*, pp. 158-159.

<sup>46</sup> *Op. cit.*, pp. 156-157, Briand's two speeches at this Congress are of historical value; pp. 151-159, 236-245, *Compte Rendu*, 1899.



order of the day. The questions of the conquest of public power and the class struggle were included in two resolutions: the first resolution, that the class struggle did not permit the entrance of a Socialist in a bourgeoisie Government, passed by 818 votes to 634;<sup>47</sup> and the second resolution, which was passed by 1140 votes to 240, declared that all the forces of the party should be given to obtaining power in the city and the department and the State, of all elective offices, which would begin "legally and peacefully the political expropriation of the capitalist class."<sup>48</sup> A democracy that had quite accustomed itself to phrases was satisfied with that pronouncement on the threat of carrying the class struggle into Parliament. It is interesting to note, however, that this first Congress did not disapprove the action of Millerand, due to the skilful directing of the sessions by Jaurès and his supporters. Also there was a solid basis of opposition to the censure of Millerand on the part of a great number of the workers.<sup>49</sup> At each session of the Congress to 1902 at Tours, when it was decided that a Socialist could join a middle class Government on the condition that the Congress gave its assent, the feeling in favour of Millerand and the strength of the reformistic tendencies in the Labour movement were evident.<sup>50</sup>

The French Labour movement as represented in the first general political Congresses of this century was definitely committed to fighting the battles of organized Labour in the deliberative and legislative assemblies. This belief was joined with the dogma that political expropriation would bring in the Revolution, but it is necessary to take into consideration that in all of the sessions of the Socialist party, as M. Guesde said, such expressions were a return to *logomachie révolutionnaire*. From 1876 to 1900, all the factions of the Labour movement were discarding the use of violence as a method of class warfare; adopting more and more peaceful and legal means of advancing their cause. Since the failure of the Commune, that is to say for sixty years, the revolutionary method has not had in France a single tentative application—excepting the 1920 strike. It remains scrupulously isolated in the realm of phraseology;

<sup>47</sup> *Op. cit.*, p. 409.

<sup>48</sup> *Compte Rendu*, Congress 1899, p. 409.

<sup>49</sup> *Ibid.*, pp. 134, 149, 189–194; 1900 Congress, pp. 94, 97, 98, seq.; and the Congress of 1901 is much more pronounced, see pp. 209, 216, 218, 225.

<sup>50</sup> Cf. *Compte Rendu Quatrième Congrès, Général du Parti Socialiste Français, Tours, 1902*, p. 255.

it is nothing more than an exercise of rhetoric.<sup>51</sup> At the time it was said "Our Socialists are quite willing to take their place in a *bourgeois* Government, and when that is the case they show less persistence in transforming the capitalist society. But their programmes have not ceased to be terrible."<sup>52</sup>

The entrance of a Socialist Minister into the Government gave rise to great expectations among many people; their belief was strengthened in the electoral and parliamentary machinery of democracy. But the success of the political movement came at the time when Labour was beginning a period of self-examination and criticism, which split wide open the party. Politics became definitely concerned with economic relations. Political organization was secondary in the French Labour movement just when there was an opportunity for it to be used most effectively by the industrial leaders, but those leaders refused at the time to see what advantage was at their hand. In the fierce struggle of the years from 1896-1908, when the economic structure of the French Labour movement underwent great changes, the political party was often forced to consider what was its real function in the life of the state and in the fortunes of the working class. Revolutionary Syndicalism and the growing industrial unionism, with a distrust and opposition to the methods of politics, had to be seriously reckoned with. The protection of the interests of the working class and the expansion of the ideals of political institutions to include all classes, bringing to the service of the state all the resources of all the people, through the agency of party, was more than ever a necessary duty of the leaders. But there was carried on with unflagging energy an opposition to whatever smacked of politics. Yet it remained for political leaders to indicate forcefully that in the progress of mankind toward a better society there must not be neglected the great balancing power of parliamentary activity; the means which at all times is afforded for a part of the people to discuss before all the people what they imagine they want or have decided they must have. This is the way democracy often dully and stubbornly teaches that the community good includes the good of the group. For France the discipline of the Labour movement through parliamentary experience has resulted in fuller blessings for the nation than could have resulted in England. In the

<sup>51</sup> Cf. Zévaès, *Le Socialisme en 1912 (Conclusions et Annexes)*, pp. 9-10.

<sup>52</sup> G. de Molinari in *Journal des Economistes*, Jan. 15, 1900, p. 11, "1899."

testing years of revolutionary syndicalism what politics taught economics was not so valuable perhaps as the truth pressed home by economics on politics—but the common experience which was derived from the clash of each together, constitutes today one of the most serviceable contributions to our time of the bitter years of social discord between 1900–1914. The Labour movements of France and England had learned valuable lessons from the hard years of political conflict; they had been taught much by the long and arduous toil of building up professional and trade associations. When the disproportion of life's good things and the work to attain them made men feel only rebellion against a system of exploitation which left them dispossessed, and against a state which they believed represented that system, the duty was given to politics to lift the questions of daily subsistence to the level of national greatness. It was for economics to give permanence and stability to the purpose of the people and the state. From this joint effort whatever is abiding in group conflict and industrial disputes has been guarded, kept for the use and good of the nation. Slowly the political and economic ideals of men are worked out in institutions. The power which they have to direct human effort and social aim can be seen in the record of the twentieth century in which with a conscious purpose and a determined will the state has sought to make the good life possible.

## II

### INTERNAL DEVELOPMENT OF FRENCH SOCIALISM

#### 1. *The Tours Programme and the Bordeaux Debates.*

The first interpellation on the general policies of the Government in 1900 indicated a common bond between the parties of the Left that was recognized, and at the same time a duty that the Government had accepted.<sup>53</sup> M. Couzy, in whose name the interpellation stood, declared <sup>54</sup> that "we all wish well to the Republic, but not the Drefusyard Republic. But if the country has pronounced positively

<sup>53</sup> *J.O.*, May 23, 1900, pp. 1282–1295, debate entire. Note speeches of M. Waldeck-Rousseau, pp. 1284–1286, and M. Ribot, pp. 1287–1288. The vote for the Government passed by 298–249 votes.

<sup>54</sup> *Op. cit.*, pp. 1282–1283.

for the policies of Republican defence, it has also said another thing: it asks at the same time that the defence be, not purely passive, it asks that it become active, aggressive and even daring." Seven months later the second interpellation on general policies was summed up by M. Vazeille, who asked "What will be Republican policy face to face with the Socialist party? Will it be the policy of fear or the policy of a tolerant attitude?" The Social question was all important, he declared,<sup>55</sup> a belief shared by M. Viviana, who looked back on the fifteen months of the Government's hold on office, thinking that all inertia by that time should be gone.<sup>56</sup> "Today, I hope," he said, "for the honour of all the parties, for the honour of this Parliament, that it is a noble moral battle which commences between ideas. Yesterday it was a struggle against persons, today it is a struggle against things. Yesterday it was a defence of the present Republic, today it is the organization of the future Republic."

The practical expression of party attitude was defined in the fourth general Congress (1902) of the *Parti Socialiste Français*, which under the leadership of Jaurès, voted the Programme of Tours.<sup>57</sup> This Programme sums up in a Declaration of Principles (Part I) and a Programme of Reforms (Part II) the majority Socialist attitude of the time. "Socialism," it declares, "proceeds simultaneously from the movement of democracy and from the new forms of production" yet "between the political régime, the outcome of the revolutionary movement, and the economic régime of society, there is an intolerable contradiction. The irresistible tendency of the proletarians, therefore, is to transfer into the economic order the democracy partially realized in the political order. Just as all the citizens have and handle in common democratically, the political power, so they must have and handle in common the economic power, the means of production. They must themselves appoint the heads of work in the workshops, as they appoint the heads of government in the city, and reserve for those who work, for the community, the whole product of work. This tendency of political democracy to enlarge itself into social democracy has been strengthened and defined

<sup>55</sup> *J.O.*, Nov. 7, 1900, pp. 1959-1960.

<sup>56</sup> *Op. cit.*, pp. 1961-1963. See speeches of Waldeck-Rousseau, pp. 1964-1966; Ribot, 1966-1967; and Vaillant, p. 1964.

<sup>57</sup> *Compte Rendu*, Tours Congress, pp. 245-252 (Part I); pp. 375-382 (Part II). See R. C. K. Ensor, *op. cit.*, pp. 339-350, for English translation.

by the whole economic evolution. Already by winning universal suffrage, by winning and exercising the right of combining to strike and of forming trade unions, by the first laws regulating labour and causing society to insure its members, the proletariat has begun to react against the fatal effects of capitalism; it will continue this great and unceasing effort, but it will only end the struggle when all capitalist property has been re-absorbed by the community, and when the antagonism of classes has been ended by the disappearance of the classes themselves, reconciled, or rather made one, in common production and common ownership.

"How will be accomplished the supreme transformation of the capitalist régime into the collectivist or communist? The human mind cannot determine beforehand the mode in which history will be accomplished. It would be fatal, trusting in the one word revolution, to neglect the great forces which the conscious, organized proletariat can employ within democracy. These legal means, often won by revolution, represent an accumulation of revolutionary capital, of which it would be madness not to take advantage. Too often the workers neglect to profit by the means of action, which democracy and the republic put into their hands. They do not demand from trade unionist action, co-operative action, or universal suffrage, all that those forms of action can give. No formula, no machinery, can enable the working class to dispense with the constant effort of organization and education. The formula of the general strike, like the partial strike, like political action, is only valuable through the progress of the education, the thought, and the will of the working class. The Socialist party defends the Republic as a necessary means of liberation and education. Socialism is essentially republican. It might even be said to be the Republic itself, since it is the extension of the Republic to the régime of property and labour."

Upon the basis of its Declaration of Principles "the Socialist party, rejecting the policy of all or nothing" laid down a programme of reform to be realized:

- (1) Democratization of Public Authorities.
- (2) Complete Secularization of the State.
- (3) Democratic and Humane Organization of Justice.
- (4) Constitution of the Family in Conformity with Individual Rights.
- (5) Civic and Technical Education.

- (6) General recasting of the System of Taxation upon Principles of Social Solidarity.
- (7) Legal Protection and Regulation of Labour in Industry, Commerce, and Agriculture.
- (8) Social Insurance for all Natural and Economic Risks.
- (9) Extension of the Domain and Public Services, Industrial and Agricultural, of State, Department and Commune.
- (10) Policy of International Peace and Adaptation of the Military Organization to the Defence of the Country.

Each of the above was subdivided into specific points of reform. To make more plain the industrial programme of the political Labour movement and the attitude toward the State there may be considered in detail, numbers 7, 8 and 9. They provide also a commentary on the progress of French legislation.

(7) Legal Protection and Regulation of Labour in Industry, Commerce and Agriculture:

- (1) One day's rest per week, or prohibition of employers to exact work more than six days in seven.
- (2) Limitation of the working day to eight hours; as a means toward this, support of every regulation diminishing the length of the working day.
- (3) Prohibition of the employment of children under fourteen; half-time system for young persons, productive labour being combined with instruction and education.
- (4) Prohibition of night work for women and young persons. Prohibition of night work for adult workers of all categories and in all industries where night work is not absolutely necessary.
- (5) Legislation to protect home workers.
- (6) Prohibition of piece work and of truck. Legal recognition of black-listing.
- (7) Scales of rates forming a minimum wage to be fixed by agreement between municipalities and the working class corporations of industry, commerce and agriculture.
- (8) Employers to be forbidden to make deductions from wages, as fines or otherwise. Workers to assist in framing special rules for workshops.
- (9) Inspection of workshops, mills, factories, mines, yards, public services, shops, etc., shall be carried out with reference to the conditions of work, hygiene, and safety, by inspectors elected by the workmen's unions, in concurrence with the State inspectors.
- (10) Extension of the industrial arbitration courts to all wage workers of industry, commerce and agriculture.
- (11) Convict labour to be treated as a State monopoly; the charge for all work done shall be the wage normally paid to trade unionist workers.

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- (12) Women to be forbidden by law to work for six weeks before confinement and for six weeks after.
- (8) Social Insurance Against All Natural and Economic Risks.
  - (1) Organization by the nation of a system of social insurance, applying to the whole mass of industrial, commercial, and agricultural workers, against the risks of sickness, accident, disability, old age, and unemployment.
  - (2) The insurance funds to be found without drawing on wages; as a means toward this, limitation of the contribution drawn from the wage workers to a third of the total contribution, the two other thirds to be provided by the State and the employers.
  - (3) The law on workmen's accidents to be improved and applied without distinction of nationality.
  - (4) The workers to take part in the control and administration of the insurance system.
- (9) Extension of the Domain and Public Services, Industrial and Agricultural, of State, Department and Commune.
  - (1) Nationalization of railways, mines, the Bank of France, insurance, the sugar refineries and sugar factories, the distilleries, and the great milling establishments.
  - (2) Organization of public employment-registries for the workers, with the assistance of the Bourses du Travail, and the workmen's organizations; and abolition of the private registries.
  - (3) State organization of agricultural banks.
  - (4) Grants to rural communes to assist them to purchase agricultural machinery collectively, to acquire communal domains, worked under control of the communes by unions of rural labourers, and to establish dépôts and entrepôts.
  - (5) Organization of communal services for lighting, water, common transport, construction, and public management of cheap dwellings.
  - (6) Democratic administration of the public services, national and communal; organizations of workers to take part in their administration and control; all wage earners in all public services to have the right of forming trade unions.
  - (7) National and communal service of public health, and strengthening of the laws which protect it—those on unhealthy dwellings, etc.

The Tours Programme of principles and reforms provides a good background for the revolutionary and reformist controversy which took place at the Bordeaux Congress (1903) of the French Socialist party. The Congress was occupied entirely with the Reformist policy of M. Millerand, who attended, defending his action. The debates centred about the questions whether he should be censured or whether he should be excluded from the party. M. Sarraute, defending Millerand, stated the situation well when he said that it was a problem which began when the Socialist party first came down from the heights of speculation and took part directly in action. The expla-

nation of the deviation from the absolute abstract principle of the class war, and of the rapid and decisive evolution which to legal and reformist action, was not to be found in the weakness of individuals, nor in the fascination or the corrupting effect of power. It was to be found entirely in the great fact which dominated modern society, Democracy. "Democracy is, indeed, the denial of the class State. The class State only has a meaning so far as the possessing class is by the very fact of possession the governing class, and the monopoly of property is reinforced by the monopoly of public power. On the contrary, as soon as the State is democratized, and equal rights are admitted for all, whether capitalists or proletarians, as soon as the régime of majorities replaces class oligarchy, and the régime of property qualifications, it becomes contradictory and meaningless to talk of a class State. Political and social institutions are no longer the work and the instrument of the possessing class; they become the work of the majority; they can be steered and guided in the direction of the public interest."

M. Jaurès declared that he rejected absolutely the motion of exclusion against Millerand, finding it not only brutal, but unjust and impolitic. Yet he dissented from the over-simplification of the principle of democracy by M. Sarraute, who he thought in a sort of automatic fashion resolved the antagonisms of society. He thought that Sarraute transported himself to the end of political evolution, thinking that political democracy had received its supreme form while it was in contradiction with an economic form, not for its part, penetrated by democracy. Sarraute's mistake was to consider political democracy in the abstract. Just as Guesde erred in positing the class war apart from democracy, Sarraute erred in positing democracy without noting that it is modified, adulterated, thwarted by the antagonism of classes and the economic predominance of one class. Daily the worker was injured in his portion of political democracy, because he did not have his portion of social sovereignty. But it was a mistake to think as Guesde, that the State was exclusively a class State upon which the too feeble hand of the proletariat could not yet inscribe the smallest portion of its will. "In a democracy," Jaurès said, "in a Republic where there is universal suffrage, the State is not for the proletarians a refractory, hard, absolutely impermeable and impenetrable block. Penetration has begun already. In the municipalities, in Parliament, in the central Government, there has



begun the penetration of Socialistic and proletarian influence; and, really, it is a strange conception of human affairs which can imagine any institution whatever, any political or social form whatever, capable of being closed to the influence, the penetration of one of the great social forces. To say that the State is the same—the same closed, impenetrable, rigid State, brazenly bourgeois—under an oligarchic régime, which refuses the proletarians universal suffrage, and under a régime of universal suffrage, which, after all, lets the workers transmit their will even to Government by delegates with the same powers and rights as the delegates of the bourgeoisie itself, is to contradict all the laws of Nature.”

Jaurès opposed the easy simplification of Sarraute and Millerand even as he opposed that of Guesde, whom he characterized as being “shut up in an exclusive proletariat, as in a fortress, and one who fights impartially against every party encamped around it: whether they come as friends or foes, he turns his weapons against all quarters of the horizon alike.” He added, “That this policy which I am trying to formulate before the party, a policy which consists in at once collaborating with all democrats, yet vigorously distinguishing one’s self from them; penetrating partially into the State of today, yet dominating the State of today from the heights of our ideal—I acknowledge that this policy is complicated, that it is awkward, that it will create serious difficulties for us at every turn; but am I to suppose that you ever hoped, with your deep practical feeling and high intelligence, that we could pass from the period of capitalism to the organization of Socialism without coming across these difficulties incessantly?”

M. Millerand believed that Jaurès paralleled rather too easily what he called the Guesde and the Sarraute conceptions. For himself he declared that his whole policy was limited to retaining that portion of the Socialistic conception which could be assimilated at once. “I think with you,” he said, “that it becomes our duty, I consider our imperious duty, to intrude our ideas, bit by bit, into facts, laws, and customs; the more must we, while realizing peacefully and legally this work of necessarily partial and incomplete construction, show the proletariat simultaneously the complete Socialistic edifice as a whole, and never let it lose sight of the end toward which we march. . . . What is meant by the solidarity of classes? I refer you to Jaurès himself. He showed this morning in a lofty and precise manner, that

the Socialist party could take charge on its own account of the general interests of the country, and that there were none of them in which the proletariat itself was not preponderantly interested. It is understood that the Socialist party, serving and defending the interests of the proletariat, in no way neglects the general interests of the country, but shares in their burden. Is it not, then, clear that it must therefore in every way, under every accessible form, serve those general interests whose care is not separated in its thought from the proletariat's interests?"

The Tours Programme and the Bordeaux debates thus mark important landmarks in the history of the French Labour movement. But such prolonged debates could not have held the interest of the Trade Union Congress in England. At the time Jaurès and Millerand were defining the theory of Socialist politics in France, the Trade Union leaders in England were organizing their strength to reverse the Taff Vale judgment. The contrast between the early years in France and England is thus made plain. The vote of censure on Millerand's votes in the Chamber of Deputies was passed. At the 1904 Federation of the Seine Socialist Conference he was definitely expelled from the party, and in that same year the International Labour Congress held at Amsterdam urged reconciliation between the *Parti Socialiste Français* and the *Parti Socialiste de France*. Unity was to be based upon the conventional statement of the class struggle; the Socialist party being a purely class party, remaining always fundamentally and irreducibly opposed to the bourgeois class and the State which is its instrument.<sup>58</sup> The first and second Congresses of the *Parti Socialiste (Section Française de l'Internationale Ouvrière, S.F.I.O.)* were held in 1905, and the formal unity of the political Labour movement was achieved. At the election of 1906 the number of Unified Socialist deputies increased from 28 to 54, the Independent Socialists from 13 to 22, and in 1910 the number was increased to 76 for the Unified Socialists, while the Independents lost one member. In 1914 the Unified Socialists gained 101 seats in the Chamber of Deputies. It is thus apparent that unity within the movement added much to the political influence of the party.

<sup>58</sup> Report of the *Commission d'Unification* to the first Congress of the *Parti Socialiste*, pp. 13-15, *Compte Rendu 1er et 2e Congrès Nationaux*, Paris, April 23-25, and Chalon-sur-Saône, October 29-November 1, 1905. The Reports of the two Congresses are printed together.

## III

## SOCIALIST POLITICS AND THE FRENCH PARLIAMENT

But both in Parliament and in the country there was little direction from party leaders. The economic and political situation was reflected in the Vazeile and Lhopiteau interpellation, January 14, 1905, on the politics of the Government. The vote on this interpellation forced M. Combes to resign.<sup>59</sup> M. Paul Deschanel believed that the Ministry had not lived up to its powers, that it had ceased to direct the Republican groups, and, in fact, had abdicated.<sup>60</sup> MM. Zévaès and Jaurès defended<sup>61</sup> the Government from what they termed the obstructionist manoeuvres of the parties of the Right, which did not prevent M. Vaillant from saying<sup>62</sup> that "We consider Socialism alone the representative and the true defence of the working class. We are opposed to all bourgeois Governments, but we assist today because of the hope of developing syndical action and organizing the working class."

This indication of the divergence of opinion in the Socialist party was not helped by the attitude of the new Rouvier Ministry<sup>63</sup> toward Socialist interpellations, especially with regard to one by M. Augagneur on the strike of the police at Lyons.<sup>64</sup> The Minister of the Interior stated that if the Government showed any weakness it would be rendering a bad service to democracy and to the Republic itself.<sup>65</sup> M. Rouvier declared that a strike among officials of a public force would not be tolerated, and at the same time that he recognized both the genius and the vision of the extreme Left, he pledged himself to maintain public order.<sup>66</sup> Six months later an interpellation<sup>67</sup> on the

<sup>59</sup> *J.O.*, Jan. 12, 1905, pp. 11-23, and *J.O.*, Jan. 15, pp. 27-52, debate entire. The Government escaped by a vote of 289-279, but M. Combes resigned.

<sup>60</sup> *J.O.*, Jan. 14, 1905, pp. 16-19.

<sup>61</sup> *Op. cit.*, pp. 1921 (Zévaès), pp. 46-48 (Jaurès); see Combes, pp. 31-39, a review of his Ministry and pledges.

<sup>62</sup> *Op. cit.*, pp. 22-23.

<sup>63</sup> *J.O.*, Jan. 28, 1905, p. 63, Ministerial announcement of M. Rouvier; pp. 64-82 debate on the general policies of the Government.

<sup>64</sup> *J.O.*, May 23, 1905, pp. 1815-1823, debate entire; pp. 1815-1818, Augagneur.

<sup>65</sup> *Op. cit.*, pp. 1818-1919 (Etienne).

<sup>66</sup> *Ibid.*, p. 1822.

<sup>67</sup> *J.O.*, Nov. 4, 1905, pp. 3008-3027, debate entire. Interpellation signed by Vaillant, Jaurès, Sembat, Rouanet, and Meslier. See speeches of Berteaux,

attitude of the Government in industrial conflicts was the occasion of M. Vaillant saying that "I call with reason a Government reactionary which seems to have no other policy than the persecution of the syndicates. But equally with economic growth the workers grow, and with syndical progress the workers' consciousness animates more and more the ranks of the proletariat in larger numbers. The Government seeks to arrest this movement. It cannot be done. It is a movement which it is not possible to check, because it is not artificial, it is profound. The strike supported by Socialism is the method that has great value in the assault on the capitalist system."<sup>68</sup>

A strike in the Government arsenals afforded an opportunity for another Socialist interpellation.<sup>69</sup> In the course of his reply to M. Jaurès, who stated that there were fifty votes to affirm for the working class the right to strike, the Premier said that, "the Republican party has at all times manifested by its discussions and by its decisions, that it intends to aid all that is legitimate and possible to admit in the hopes of the working class."<sup>70</sup>

This was not the point of view that was taken a few days later by the Socialist leaders' interpellation with regard to Government interference with the *Paris Bourse du Travail*.<sup>71</sup> Renewed Government interference was taken as a sign of strength of the syndicalists. Yet interference was Government reaction, and as such was blamed by M. Vaillant, who said, "we wish at the same time, that the men who threaten this syndical activity, should be well convinced of the solidarity which exists between the socialist and the syndicalist move-

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Minister of War, pp. 3014-3019; Sembat, pp. 3019-3023; and Etienne, Minister of Interior, pp. 3023-3024. The Government vote was 444-55, on the order of the day.

<sup>68</sup> *Ibid.*, pp. 3008-3010.

<sup>69</sup> *J.O.*, Nov. 17, 1905, pp. 3336-3355, debate entire. See speeches of MM. Thomson and Pelletan, pp. 3343-3346, 3350-3352, the former the Minister of Marine and the latter the ex-Minister, Ferrero, pp. 3336-3339; M. Allard, pp. 3339-3342, for Socialists, and Jaurès, pp. 3346-3348. M. Allard said, "It is you yourselves that will end by using and by justifying direct action" (p. 3342), and M. Jaurès declared it was an effort to "exploit the idea of country in the interest of class" (p. 3346).

<sup>70</sup> *J.O.*, Nov. 17, 1905, p. 3336; also p. 3348 (Rouvier).

<sup>71</sup> *J.O.*, Nov. 28, 1905, pp. 3532-3546; *J.O.*, Dec. 2, 1905, pp. 3667-3675; *J.O.*, Dec. 9, 1905, pp. 3821-3831, for debates entire on the *Paris Bourse du Travail*. Cf. Jaurès' speech on Socialist Politics and Internationalism, *J.O.*, Dec. 16, 1905, pp. 3992-4002. The interpellations here briefly recorded begin the long fight on the question of Government interference in trade union organization.

ments.”<sup>72</sup> The anti-patriotic propaganda of the Paris Bourse had been attacked by the Government, to whom M. Sembat said,<sup>73</sup> “You have complained that the anti-patriotic campaign has found an echo among the workers. There is a good remedy: It is to give the worker new reasons to love his country, make it so that he will find in France more of happiness, more of economic well being, more of justice.” Practical details were added by M. Zévaès pointing<sup>74</sup> out the duty of the Government to pass the weekly day of rest Bill into law, already adopted in principle, the eight hour day, and an arbitration system to prevent strikes. “The union of all Republican forces should be maintained more closely than ever to realize these reforms; the union of all Republicans for the winning of social justice by political liberty.”<sup>75</sup>

It was here that M. Jaurès saw the mistake of revolutionary syndicalism opposing democracy, for in the democracy through the working class there was power to fortify political weakness.<sup>76</sup> Just to the extent that the workers organized in syndicates, they would be compelled to carry out the common will of the organized workers through delegates and by mandatories. The politics of democracy would then be absolutely necessary. Yet distrust of democracy was a mistake of, not the force of, syndicalism. The latter he wished to bring to the attention of the Government. “Apart from the inevitable illusions,” he said, “as in all new movements, as in all vehement affirmations of a new force, that which remains true, that which is living in revolutionary syndicalism, that which ought to be called to the attention of all Governments, of all deputies, is above everything else this: That the workers aspire more and more to constitute a distinct force, a self-governing force, capable of informing the whole social movement by the integrity of its thought.”<sup>77</sup> It would be puerile to

<sup>72</sup> *J.O.*, Nov. 28, 1905, p. 3538; pp. 3532-3539 speech entire. See speeches of MM. Grosjean and Deschanel, pp. 3540-3544, 3544-3546, on revolutionary syndicalism and the anti-patriotic movement represented by *Le Mouvement Socialiste*.

<sup>73</sup> *J.O.*, Dec. 2, 1905, p. 3674; pp. 3667-3675 speech entire.

<sup>74</sup> *J.O.*, Dec. 9, 1905, pp. 3821-3823; also MM. Laisés and Jaurès, pp. 3823-3827, 3827-3831.

<sup>75</sup> *Ibid.*, p. 3823.

<sup>76</sup> See *J.O.*, Dec. 9 and Dec. 16, 1905, pp. 3827-3831, 3992-3997, two speeches of Jaurès on socialist politics, with special reference to patriotism and syndicalism.

<sup>77</sup> *J.O.*, Dec. 9 and Dec. 16, 1905, p. 3996.

judge such a movement, he added, by "escapades of the pen or words." It would be an error, a singularly imprudent one, to attack this or that phrase pronounced by this or that militant, the important thing being that revolutionary syndicalism was a vast, a profound and a necessary movement in the evolution of the working class.

The importance of the syndicalist question from 1906-1910<sup>78</sup> with regard to employees of the State was foreshadowed in the Ministerial declaration<sup>79</sup> of M. Sarrien, who followed M. Rouvier as Prime Minister. "We are resolved," he said, "to give to the *fonctionnaires* all necessary guarantees against arbitrariness and favouritism."<sup>80</sup> M. Rouvier had definitely made the distinction between workmen (*ouvriers*) who had the same rights in public as in private service, and those agents (*fonctionnaires*) who are intrusted with a share of public powers.<sup>81</sup> The whole agitation was definitely linked up with social policies, providing an interpretation for the elections of 1906;<sup>82</sup> and for M. Jaurès the famous May 1, 1906, strike was "more than

<sup>78</sup> Cf. Georges-Cahen, *Les Fonctionnaires, Leur Action Corporative* (1911), chap. III-IV, Part II, pp. 111-117, and Part III, chap. IV, pp. 328-349, for a full account of this important period.

<sup>79</sup> *J.O.*, March 15, 1906, pp. 1289-1290; debate, pp. 1290-1300.

<sup>80</sup> *Ibid.*, p. 1290.

<sup>81</sup> *J.O.*, Nov. 8, 1905, p. 3081, pp. 3079-3081 entire; and pp. 3078-3090, debate on question of M. Laisans on how the Government interpreted the law of 1884 where officials were concerned (*J.O.*, Nov. 4, 1905, p. 3027). One of the first reports was that of M. Marcel Sembat for the Commission on the Budget, examining the budget of the Ministry of Commerce and Industry, with special reference to the postal crisis of 1905; *J.O.*, March 5, 1906, *Doc. parl.*, No. 3046, with which compare *Doc. parl.*, Nos. 2565, 2672 and 2681. In 1904 two propositions were submitted dealing with the right of association: the Lhopiteau proposition giving ordinary tribunals the right to consider disputes between the administration of the State railways and employees (*Doc. parl.*, No. 1612, 1904); and the proposition of M. Meunier to complete Art. 6 of the law of July 1, 1901 (*Doc. parl.*, No. 1749, 1904). Cf. the two Socialist propositions of 1906; the first arising from the postal strike of 1905 to abrogate Articles 414 and 415 of the Penal Code, *J.O.*, July 3, 1906, pp. 751-752, *Doc. parl.*, No. 194; and the other to prevent patronal lock-out, *J.O.*, July 3, 1906, pp. 753-754, *Doc. parl.*, No. 196. These last two propositions were submitted by MM. Coutant, Jaurès, Vaillant, Allemane, and Boursse. The Government project was submitted the day before, *J.O.*, July 2, 1906, pp. 716-720, *Doc. parl.*, No. 158. An *exposé* before the text is given.

<sup>82</sup> See speech of M. Brisson, *J.O.*, June 13, 1906, pp. 1935-1936: "The character of this evolution (as seen in the 1906 elections), is not it defined in the expressions of social reform, or social justice, which occur constantly in the programmes, the profession of faith, the discourses, the articles, the journals of all parties?" (p. 1936). Entire debate pp. 1935-1950; Sarrien, pp. 1937-1947; Jaurès, pp. 1947-1950.

a strike for a shorter day, it became a social manifestation, a social re-vindication." <sup>83</sup>

The elections of 1906 seemed to point to the way for a definite policy of social legislation. There is comparison in this regard to the return of the Liberal party to power in England in that year. The reaction following the fall of the Ministry of M. Combes had spent itself in the short-lived mixed cabinets of MM. Rouvier and Sarrien, for in the new Parliament the groups of the Left had a working majority. The alliance of the political and industrial Labour leaders in the programme of the organized industrial movement forced a more liberal policy from the Government than could otherwise have been expected. Yet the divergences within the Cabinet became serious enough when the Government later assumed more and more an aggressive policy toward "militant" trade unionism and strikes. The programme of Clemenceau included an income tax, an eight hour day, old age pensions, more freedom for the trade unions and increased state control over mines. From the beginning of his Government the attention of Clemenceau was demanded by an increasing number of strikes of a serious and popular nature. He was uncompromising in his attitude, while Radicals and Socialists considered him to be unduly repressive in his administrative policies with regard to the trade unions. The results of this policy are briefly sketched below: and it is important to record the fact that from 1906 to 1912 successive Governments were harassed by the industrial turmoil which was reflected in the series of strikes which took place all over France. From 1912 to 1914 foreign policy and military affairs dominated internal politics.

The famous debate <sup>84</sup> in June, 1906, on the policies of the Government provided for MM. Clemenceau and Jaurès the setting of a six-day debate. M. Zévaès at the beginning again made plain his middle position. "To realize the end of Socialism," he said, "we appeal to the working class democracy, the rural democracy, to the proletariat of manual work and intellectual work. We repudiate, as

<sup>83</sup> *Ibid.*, p. 1948.

<sup>84</sup> Debate entire: *J.O.*, June 13, 1906, pp. 1935-1950; June 15, pp. 1957-1966; June 16, pp. 1971-1982; June 19, pp. 1988-2002; June 20, pp. 2006-2019; June 22, pp. 2025-2038. These debates provided a commentary on the years from 1885-1906. Cf. Debate on the Report of the Parliamentary Group to the 3rd National Congress of the Socialist Party, Limoges, 1906. *Compte Rendu*, pp. 37-59.

unworthy of the great and noble cause of the workers, recourse to anarchist methods and the violence of direct action." He appealed to the Government to carry out the wishes of the working class with respect to laws of social insurance, protection of young workers, and provide for syndical freedom. The "application of social policies is the only policy worthy of Republican France"; and there were five Bills already passed by the Chamber of Deputies which the Government could definitely take charge of: the law on a weekly day of rest, passed in 1902; the Berteaux law, voted in 1899 and 1901, providing pensions for railway employees; the law forbidding the use of white sulphur in manufacture of matches; the law extending to commercial employees the jurisdiction of the *Prud'Hommes*; and old age pensions. "Let us to our work: economic equality, social justice, and human solidarity."<sup>85</sup>

This was a challenge which M. Clemenceau seemed glad to accept. His defence of the Government was a survey of Republican policies since 1885, and more especially since 1899. "Your accusation is one of words, our response is facts," he said. Briefly he set forth the work done since 1899, mentioning specifically:<sup>86</sup>

- (1) The three Decrees of August 10, 1899.
- (2) The Decree of September 1, 1899, re-organizing the Superior Council of Labour.
- (3) The Act of March 30, 1900, on the work of women and children.
- (4) The Act of July 1, 1901, on Associations.
- (5) The Act of March 14, 1904, creating Public Employment Offices.
- (6) The Decree of May 29, 1905, creating the Superior Council on Mutual Aid Societies.
- (7) The Act of July 14, 1905, on obligatory public assistance to the poor, the aged, and the incurable.
- (8) The Act of November 14, 1905, granting credits for establishing an eight hour day in State shops.
- (9) The Act of April 12, 1906, extending the accident law to commercial employees.

M. Clemenceau was intent too upon giving an interpretation of this reformistic policy, an *exposé* of Republican doctrine. Social

<sup>85</sup> *J.O.*, June 13, 1906, pp. 1941-1943.

<sup>86</sup> *J.O.*, June 20, 1906, pp. 2006-2012; pp. 2012-2019, Jaurès' reply. The earlier long speeches are: Clemenceau, *J.O.*, June 19, 1906, pp. 1994-2002; Jaurès, *J.O.*, June 15, 1906, pp. 1957-1961.



Democracy, for him, instead of speculating on the Revolution of Marx, should organize and prepare the working class for democracy. The struggle for all reforms in the State aided the working class and helped to transform the institution of the State in a democratic spirit. Quoting from Edouard Bernstein, the German Reformist leader, Clemenceau declared that he was convinced that it was impossible to thwart the evolution of peoples.<sup>87</sup> He therefore attached the greatest significance to the present duty of Social Democracy; to the struggle for the political rights of the workers; to the political activity of the workers in the interest of their class aided by the work of their economic organization. Bernstein had written that at the present time the movement was everything, the final end of Socialism was nothing. "We are here fully in accord," added Clemenceau. "The final end of Socialism is nothing, and the movement in the direction of social justice is everything. It is votes that talk."

This point of view only confirmed the belief of many Socialists in the impossibility of participation in power with the "association of MM. Briand, Viviani, and Clemenceau." If one wanted to find the cause of Parliamentary and Governmental sterility, M. Vaillant said,<sup>88</sup> one could find it in the will of their opponents, to fight in every way, and at all times, the Socialist party, the associations of syndicates, and the *Confédération Générale du Travail*. The Nantes strike of 1907 began the first<sup>89</sup> of twelve interpellations<sup>90</sup> in that year on workers' syndicates and the rights of *fonctionnaires*. The excellent report<sup>91</sup> of M. Colliard for the Commission on Labour,

<sup>87</sup> *J.O.*, June 20, 1906, p. 2010. Bernstein's *Le Socialisme Théorique et la Social-Démocratie Pratique*, was the source of the quotations. There is much similarity in the theoretical statement of Socialism by Bernstein, Jaurès and MacDonald.

<sup>88</sup> *J.O.*, May 9, 1907, pp. 925-926.

<sup>89</sup> MM. Allemane and Vaillant moved to have a Committee investigate this strike, but were defeated: *J.O.*, March 22, 1907, pp. 730-732. The most important interpellation was then offered May 7, on the attitude of the Government to the syndicates: *J.O.*, May 8, 1907, pp. 904-921; *J.O.*, May 9, pp. 925-945; *J.O.*, May 11, pp. 947-958; *J.O.*, May 12, pp. 961-970; *J.O.*, May 14, pp. 971-987; and May 15, pp. 989-1013, Debates entire. Note speeches of F. Buisson, pp. 914-921; Steeg, pp. 929-933; Paul Deschanel, pp. 936-940; Jaurès, pp. 954-958, 961-970; Briand, pp. 971-981; Ribot, pp. 989-993; Sembat, pp. 993-996; Jaurès, pp. 996-999; and Clemenceau, pp. 1100-1107.

<sup>90</sup> *Tables Alphabétiques de Chambre des Députés*, for quick reference to this or any subject before the Chamber. The 1907 Interpellations, Nos. 44, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 61.

<sup>91</sup> *J.O.*, Dec. 27, 1907, pp. 473-507, *Doc. parl.*, No. 1418.

charged with reviewing the various propositions for arbitration of industrial disputes, declared that the increasing number of strikes gave a particular character of necessity to the discussion of the justification of the intervention of the state in collective disputes.<sup>92</sup> Strikes were not due to the growth of syndicates, the examples of England and Germany were cited, and the growth of collective bargaining in England was the example to be followed, the Report declared.<sup>93</sup> In France "in nearly all corporations, employers and workers remain isolated in respective organizations, ignorant one of the other, and full of mutual distrust. In the presence of this inertia what ought the state to do? It is a generally admitted principle that the state ought to observe in all strikes the most strict neutrality. Yet to speak truthfully, the principle of the neutrality of the state is not always carried out in practice and ought not to be because for a long time the state interfered in strikes to the profit of the employers against the workers."<sup>94</sup> M. Steeg asked the Government to do the just and necessary thing by enlarging the law,<sup>95</sup> M. Paul Deschanel seeing in the struggle one between "legal syndicalism and revolutionary syndicalism" appealed to the Government to use the Republican majority to pass social legislation that was demanded.<sup>96</sup> M. Allemane submitted a resolution that the law of 1884 should apply to the employees of the State,<sup>97</sup> a policy MM. Clemenceau and Briand opposed. But there was no clear-cut Government policy.<sup>98</sup>

<sup>92</sup> *Op. cit.*, chap. I, survey of strikes from 1893-1907.

<sup>93</sup> *Op. cit.*, p. 474. The Reports of the Board of Trade on Rates and Wages were used, especially the Report of 1906, which contained comparative statistics from 1897-1905.

<sup>94</sup> *Op. cit.*, p. 475.

<sup>95</sup> *J.O.*, May 9, 1907, pp. 929-933.

<sup>96</sup> *Ibid.*, pp. 936-940. M. Deschanel quoted freely from Pouget's *Bases du Syndicalisme* and *Le Parti du Travail*, the 1906 Congress Report of the C.G.T. (Amiens), and *La Grève Générale. Son But, Ses Moyens, Lendemain de Grève Générale* (1901).

<sup>97</sup> *J.O.*, May 9, 1907, pp. 940-945. Two interpellations in 1908 on general politics and the syndicalist controversy carried on the Socialist agitation; *J.O.*, April 7, 1908, pp. 885-899, and *J.O.*, June 12, pp. 1156-1170, debates entire. Note speeches of Jaurès, pp. 885-889, 896-898; and Clemenceau, pp. 890-896, 1162-1167.

<sup>98</sup> See the Report of M. Jules Jeanneney, *J.O.* (S.E.), July 11, 1907, pp. 507-534, *Doc. parl.*, No. 1213 (Annex 1 of the *Rapport Maginot*, 1911), for the first full parliamentary account of the controversy, and pp. 513-519, for development 1901-7; pp. 519-534, the proposed project is given. The great Chaigne Report was presented in 1909 (*Doc. parl.*, No. 2450, *J.O.*, April 2,

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The postal strike of 1909 brought the issue squarely to the front again. The fight, M. Jaurès said,<sup>99</sup> was to give the associations of *fonctionnaires* a place in the Republic; M. Barthou<sup>100</sup> stood firm by his responsibility to Parliament and not to the *fonctionnaires*. M. Andre Beaunier summed up the politics of 1909 thus, "A Right which no longer counts, an enormous Radical majority, a very resolute Socialist minority. . . . If we examined in detail the biographies of our principal politicians, we should find that they were like the nomads who wandered from country to country driving their flocks before them, never staying in one place and never retracing their steps. Our politicians have travelled after this fashion, as forgetful of last night's opinions as pastoral tribes are of the encampments they have forsaken. Thus they have moved on towards the West—I mean towards the Left—more or less quickly, some of them very agile, others dawdling behind. But, leaders or laggards, they will nearly all of them get as far as the last confines of the lowest demagoguery."<sup>101</sup>

The mediocre prestige of Parliamentary power, declared Jaurès, was due to the policy of the Government.<sup>102</sup> His attack paved the way for the fall of the Clemenceau Government, which was followed by M. Briand's first and second ministries (July 24, 1909–November 4, 1910; November 4, 1910–March 2, 1911). The philosophy of Socialism, he said, was moving on, and the working class struggled not for itself but for all mankind. Because of the languor, the debility, the discouragement, the scepticism of the time, it was necessary to organize a policy of great reforms, vigorous, hardy and progressive. There was, he said, the example of Mr. Lloyd George in England and the opposition to him;<sup>103</sup> in comparison to the efforts of that leader he asked what had M. Clemenceau done to achieve large

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1909), and the *Rapport Maginot* (*J.O.*, July 12, 1911, *Doc. parl.*, No. 1214) supplemented the two above Reports. These three Reports provide invaluable documentary study of the period.

<sup>99</sup> *J.O.*, May 13, 1909, pp. 1022–1026; answered by M. Barthou, Minister of Commerce and Industry, pp. 1026–1030. See also the debate on the first interpellation on the postal strike: *J.O.*, March 20, 1909, pp. 757–772.

<sup>100</sup> *J.O.*, March 20, 1909, pp. 772–776.

<sup>101</sup> "Contemporary Politics in France," *Nineteenth Century and After*, vol. 66, November, 1909, pp. 870–886.

<sup>102</sup> *J.O.*, June 26, 1909, pp. 1661–1669; compare debate, *J.O.*, June 19 (pp. 1523–1537), and June 23 (pp. 1577–1581); Briand, pp. 1579–1581.

<sup>103</sup> *J.O.*, June 26, 1909, p. 1669. Special reference to social insurance and the opposition of Capital to financial burdens.

Parliamentary reforms?<sup>104</sup> He asked that the Government should not deceive indefinitely the hopes of the working class of the Republic. That was the plea of M. Dejeante: "In the interest of the profoundly just cause of the working class, in the interest of the Republic, we say to you: Do not continue this system of Government reaction. It is a peril for the Republic, it is a peril for the country."<sup>105</sup> A more sober note was struck by M. Buisson who declared that the Government would no longer have the support of the far Left of the Radical party.<sup>106</sup>

The Ministry of M. Briand is important because it had directly to face the problem of the relation of the state with its employees. His efforts were centred upon establishing the firm authority of the state over all the public service; yet at the same time he was prepared for the state to assume heavy burdens in assuring a just wage and satisfactory working conditions. The railway strike of 1910 he declared was political in motive and revolutionary in character. His Ministerial statement<sup>107</sup> declared that the Government was not unmindful of the evolution of the workers' organization, and the Government project definitely affirmed the right of the state to determine the contract relationship of the employees and the railway companies.<sup>108</sup> M. Briand thus boldly took into his own hands one of the major demands of the labour contract; its whole power was to be behind enforcement.

The politics of the next few years centred upon the questions of electoral reform, military organization of the nation, and the Budget.<sup>109</sup> The Parliamentary Reports of the Socialist deputies each year repeat the same detail of interpellations, propositions submitted, and ordinary routine duties done.<sup>110</sup> The following chapter, dealing

<sup>104</sup> *J.O.*, July 16, 1909, p. 2080, pp. 2072, entire; see *J.O.*, July 13, 1909, pp. 2004-2017, Clemenceau's review of his Ministry, and his attack upon the varying politics of Jaurès. The Ministry was defeated on July 21 by a vote of 212-176.

<sup>105</sup> *J.O.*, July 3, 1909, p. 175, pp. 1791-1795, entire.

<sup>106</sup> *Ibid.*, pp. 1795-1800.

<sup>107</sup> *J.O.*, July 28, 1909, pp. 2249-50; see his speech, *ibid.*, pp. 2253-2255.

<sup>108</sup> See *Maginot Report*, pp. 7-19.

<sup>109</sup> See the interesting *L'Action Parlementaire et la Nouvelle Législature*, with Preface by M. Steeg (1910), a symposium by 25 leaders' opinion on the politics of the time.

<sup>110</sup> Cf. Amédée Dunois, *L'Action Socialiste au Parlement, 1910-1914* (1914), with which may be compared Hubert Rouger's *L'Action Socialiste au Parlement, 1914-1919* (1919). M. Rouger was Secretary of the Parliamentary Socialist group.

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with the Revolutionary Syndicalist movement, will briefly carry forward certain phases suggested in this chapter. The developments can best be seen politically in reference to this movement in the French Labour world. Then the post-war Labour movement's aims are discussed in a chapter which completes the record of this century.

## CHAPTER IX

### REVOLUTIONARY SYNDICALISM AND THE FRENCH LABOUR MOVEMENT

It is remarkable that the achievements of the French Labour movement should have been the means of inspiring the revolt against the so-called humanitarian and sentimental democracy of evolutionary socialism. But the very successes of the leaders in Parliament, partial and fragmentary as they were, created a healthy condition of revolt in the ranks of the workers. There were many who saw in the political methods of the Socialist deputies only the policy and attitude of political Liberalism, and against this tendency there seemed to be nothing more effective than the complete repudiation of parliamentary activity. Yet the disillusionment of the workers with the methods of democracy at the end of the nineteenth century found a like attitude in the older parties of the state. The beginning of the century was certainly not the high tide of democratic hope, and there were many people of all shades of opinion who looked upon the work of democratic governments as fairly finished. The suffrage had been widened and popular government had gone as far in economic control as was desired by the established orders. There was no reason to believe that undirected by informed and awakened leaders democratic governments would have undertaken the essentially economic work which filled the programme of the Parliaments of England and France in the early years of this century. At the beginning of the century in both France and England the industrial and political Labour movement found a democratic Parliament ready for their use, and with fresh courage—because they had come to the political field late in the day—they began to work it to their own ends. That it did not prove to be the exact means to bring in the utopia of their programmes proved nothing more than that Parliament was to be the teacher of the Labour movements as it had earlier been the training ground of the Radical and revolutionary movements which prepared the way for responsible popular government.

The advance of society in the democratic direction had by 1900 transformed the English constitution into something like a democracy, and in France there had been a record of political development toward republicanism.<sup>1</sup> The triumph of democracy has been taken to mean various things: from giving the death blow to the doctrine of parliamentary sovereignty, because democracy begins to put forth power that had been hers for fifty years,<sup>2</sup> to proving the incapacity of democracy for dealing with the economic organization of society,<sup>3</sup> or else its strange genius for creating the new bondage of "the Servile State."<sup>4</sup>

At the beginning of the century the labour movements in France and England were at the crossroads. They had to organize their political and economic life within a democratic state, in which political success had brought them parliamentary power. But the fast moving forces of industrial development had given little time for the slow

<sup>1</sup> This is the well-known thesis of M. Seignobos in his *Histoire Politique de l'Europe Contemporaine: Evolution des Partis et des Formes Politiques 1814-1896* (E.T. 1904), supported by Viscount Bryce *op. cit.*, vol. I, p. 246 ff.), and his later *L'Evolution de la 3e République* (1921); cf. Georges Guy-Grand: *Le Procès de la Démocratie* (1911), and *Le Conflit des idées dans la France d'aujourd'hui* (1921, and *La Démocratie et l'Après-Guerre* (1923), p. 125 ff.

<sup>2</sup> Cf. Professor C. H. McIlwain's *The High Court of Parliament and Its Supremacy* (1910), Preface, p. xv, with which note Professor A. F. Pollard's *The Evolution of Parliament* (1920) for a strong defence of the principle of democratic evolution of this institution.

<sup>3</sup> Cf. A. Esmein *Éléments de droit constitutionnel français et comparé* (1st ed. 1896, Preface to 6th ed. by J. Barthélemy (1914), 7th ed. prepared by H. Nèzard (1921). Preface to 6th ed.; also H. Lagardelle, "Socialisme ou Démocratie," *Le Mouvement Socialiste* (L.M.S.), Nos. 86, 87, 88, 89 and 91 (1902). Also see M. Jacques Bardoux's Introduction (pp. xviii-xxx) to *Le Bilan de la XII Législature (1919-1924)* (1924), published by the *Société d'Etudes et d'Informations Economiques*.

<sup>4</sup> Hilaire Belloc, *The Servile State* (1912); cf. M. Beer, *op. cit.*, vol. I, p. 360, for a comparison of the literary activities of MM. Brunetière, Faguet, Maurras, and Chéradame to the philosophy of Sorel and Lagardelle; Belloc's *The French Revolution* (1911), reveals often what he terms "the nastiness of modern parliamentary life" (p. 56), and he states concisely his central thesis: "to contrast the good 'working' of an institution superficially undemocratic with democratic theory is meaningless. The institution 'works' in proportion as it satisfies that political sense which perfect democracy would, were it attainable, completely satisfy" (*op. cit.*, p. 20). This is a theory of political morals dangerous in the extreme because destructive of democracy's will or even right to self-development—and self-control. Cf. J. Ramsay MacDonald, *Parliament and Democracy* (1920), chaps. III-IV. Mr. Belloc's *The Jews* (1922) re-echoes his dictum that "the parliamentary system will not last for ever" (pp. 69-94).

working machinery of the legislature to cope even with actual needs, much less to deal with problems of future control. The political capacity of democracy was challenged. The incapacity of Parliaments to organize the economic life of nations became the basis of an attack against the state. Modern industry had created an anarchy of interests. These interests sought either special favours from the state or else announced their rebellion against authority. The lesser claim of political democracy was implied in the emphasis upon a so-called economic democracy, the "theory of national life replacing the theory of national sovereignty."<sup>5</sup>

This chapter discusses Revolutionary Syndicalism, meaning by this the "militant" industrial labour agitation in France, especially between 1900 and 1914.

In the first years of Syndicalist reaction the anti-political phases were most emphasized, but this strong bias was changed in the later years as the political movements borrowed from the economic programme of Syndicalism what could be utilized in their appeals to the voters of England and France. Syndicalism—the industrial labour movement—itself turned more and more to the political leadership of the Labour movement in both countries.

# I

## REVOLUTIONARY SYNDICALISM

The revolt against parliamentary progress in the early years of the new century was much more marked in France than in England, though there was common ground in the distrust and the disillusion of political method. In France the work of Millerand found Labour unprepared, just as the Liberal legislation of 1906–1912 made plain the fact that Labour often could not utilize the powers which the state actually forced it to use. Both the measures of Millerand and the Liberal Ministry educated Labour—and the country—by violence. From 1900 down to the present time the French Labour movement has been at work on the problems which Millerand inaugurated and later forsook; and in England the legislative measures of 1906–1912 yet provide the necessary basis of nearly all schemes of reconstruc-

<sup>5</sup> Esmein, *op. cit.*, p. 49, referring especially to the theories of MM. Duguit and Charles Benoist; pp. 1–64 for full comment.



tion. Though Beer considers the theories of MM. Waldeck-Rousseau and Millerand "vitiating by a false idea of social peace and readjustment," they were in some respects far in advance of their time, he adds; and their "premature suggestions of social peace with partnership merely estranged the Trade Unions, and paved the way for an anti-political propaganda."<sup>6</sup> The action of the state in France and England has greatly helped to stimulate the imagination of the Labour movements, if by no other means than convincing proof that there is no magic in the state. This is now a conventional dogma for Labour, with the added significance of a definite political experience. Two important reasons for the revolt against parliamentarism were (1) the growth in power of Parliamentary Socialist groups, and (2) the extension of the collective forces of the economic conflict into larger areas and upon a wider scale by the organization of employers' and workers' federations. These two factors tended to unite the political and the industrial movements, and each was unprepared, as well as the state or any voluntary agency, to develop a common programme. Yet there was the increasing necessity of directing the movements along national lines. The changed international situation after war is yet another thing.

It is apparent today that the important reasons for the revolt against parliamentarism at the beginning of this century have an almost equally potent influence with organized labour at this time. The growth in power of Parliamentary Socialist groups, and the extension of the collective forces of the economic conflict into larger areas and upon a wider scale is truer in the post-war France and England than in 1900. These two factors tended to unite the political and industrial movements before the war, in spite of distinct contradictory influences within the movements, and that process is going on today. The political influences are not less necessary.

As early as 1893 M. Jaurès had declared that the formation of the Parliamentary Socialist Group was to be the means of making the wage earner the master of economic democracy as he was of political democracy.<sup>7</sup> It was combining with "the economic programme of the Socialists the political programme of the Radicals,"<sup>8</sup> the coalition

<sup>6</sup> Beer, *op. cit.*, vol. I, p. 307.

<sup>7</sup> *J.O., Chambre*, November 22, 1893, quoted by Guy-Grand, *La Démocratie et l'Après-Guerre*, pp. 121-122.

<sup>8</sup> Seignobos, *L'Evolution de la 3me République*, p. 159.

which M. Millerand had proposed of the parties of the Left against the parties of the Right.<sup>9</sup> The resolving of the class struggle into political action was the first official decision of the Havre Congress of 1880 under Guesde's influence, and the subsequent history of the party has been more widely to interpret the place of Parliamentary Socialism.<sup>10</sup> At nearly every stage, often fortunately for the party, it has been a political necessity to support the Government against the Right. Where it has been able to rise superior to the mechanics of the class struggle it has exercised an increasing influence in politics. Thus in the parliamentary history of the French Socialist movement one sees the well defined tendencies of "dogmatic intransigence", as well as an idealism sustained by revolutionary tradition.<sup>11</sup> Against all of this is the background of party expediency and hypocrisy. There is then the story of compromise with the existing political organization which the French and English Socialist movements have in common. Even at this day one can hear M. Cachin, though he is leader of the Communist Parliamentary Group, ridicule the parliamentary régime as "an inferior form of democracy";<sup>12</sup> and, on the other hand, there is the statement of M. Breton that the extension into the political field of the class struggle has caused a marked degeneration in political manners, and has threatened the vitality and the integrity of the Socialist party. Political organization, Breton declares, is broader than the narrow dogmatism of the economic school.<sup>13</sup>

The compromises which the French labour leaders made reacted more on the political and economic movements of their country than is true of England. The Labour movement in England had more consistently accepted the régime of democracy both in its attitude toward the Government and in the discipline of internal organization. It had accustomed itself to the faith that the pervasive power of public

<sup>9</sup> *La Petite République*, February 15, 1892, quoted by Seignobos, *op. cit.*, p. 167.

<sup>10</sup> Cf. A. Zévaès, *Le Parti Socialiste de 1904 à 1923* (1923), pp. 13-46; and J. L. Breton, *L'Unité Socialiste* (1912), pp. 54-87.

<sup>11</sup> Cf. P. Detot, *Le Socialisme devant les Chambres Françaises, 1893-1898*, p. 177.

<sup>12</sup> M. Marcel Cachin, "Démocratie et Soviétisme," *L'Humanité*, August 17, 1920; and *L'Humanité*, November 17 and 22, 1929, for statement of the Communist *Bureau Politique*, and the article "Contre la dégénérescence social-démocrate dans les rangs du Parti."

<sup>13</sup> Breton, *op. cit.*, pp. 78, 87.

opinion is to bring change by consent. The nineteenth century to one of its leaders was a history of change in opinion and legislation wherein the state tended to become the will of an ever-widening community,<sup>14</sup> with the ideal that the state should be "the most perfect embodiment that is possible of the life of the community."<sup>15</sup> But to a definite group of French syndicalist writers at the beginning of the century there was one important fact in the history of the past century: the antagonism of the state against the working class.<sup>16</sup> The state stood between the progress of the worker and his future control of the means of production. There could be no acceptance of the governmental reformism of Jaurès, or the revolutionary governmental reformism of Guesde.<sup>17</sup> There was from each the insidious danger of social peace within the present order; from such seduction the worker constantly had to be on guard, as much so as from the treachery of the *petit-bourgeoisie* and the opportunism of social reform.<sup>18</sup>

Unwavering opposition was determined against the parliamentary system, for this system implied an already established society, an established political constitution. That society was definitely the bourgeois society. The parliamentary system was the natural product, the result of that form of organization. Naturally from the corruption of this society came the effort of the bourgeois leaders to save themselves. Reformism was only an effort to paralyze the effect of the workers' revolt, a logical sequence of the entrance of socialists into bourgeois governments which could only lead to the "governmentalizing" of the syndicates and the corruption of the labour

<sup>14</sup> Cf. J. Ramsay MacDonald, *Socialism and Government* (3rd ed. 1910), vol. II, p. 133.

<sup>15</sup> MacDonald, *op. cit.*, p. 92.

<sup>16</sup> Cf. Emile Pouget, *Les Bases du Syndicalisme* (1905).

<sup>17</sup> Cf. M. C. Fages' *Review of Sorel's Introduction à l'Economie Moderne* (1st ed. 1903, 2nd ed. 1921), L.M.S., Sept. 1-15, 1905, pp. 87-111. Sorel's *Introduction* brought down to date his ridicule of *bourgeois* democracy as the safeguard of modern civilization (pp. iii-iv); his conviction remained that "the old revolutionary socialism is infinitely more imbued with the philosophic spirit and more scientific than the hyperjuridical socialism of 'lofty' political reformism" (*ibid.*, p. 397).

<sup>18</sup> Cf. Sorel's *Notes additionnelles à "L'Avenir socialiste des syndicats,"* his *Preface* to the Italian translation (1905) of "L'Avenir socialiste des syndicats" (1898, March and April in *Humanité Nouvelle*), L.M.S., Sept. 1-15, 1905, pp. 5-16, now pp. 145-151 of Sorel's *Matériaux d'une théorie du prolétariat* (1921).

leaders.<sup>19</sup> The last resource of the bourgeoisie was in a State Socialism by industrial legislation;<sup>20</sup> and this only made clearer the tactical error of socialism in attempting the transformation of society through such a perverted means as parliamentarism which could only possibly have the result of bringing about a spirit of reformism which meant a degeneracy of socialist thought.<sup>21</sup> "Socialism today becomes philanthropy," Le Bon had written in a letter,<sup>22</sup> a taunt which Lagardelle used after the State Socialist programme was accepted at Tours<sup>23</sup> (1902) in his disillusioned assertion that "democracy and socialism are one." Believing that democracy was impotent, because it was conservative, to face the economic organization of society, he demanded a revolutionary socialism. He "furnished the theme for young socialism, syndicalist and revolutionary: Duel to the death between socialism and democracy."<sup>24</sup> Revolutionary syndicalism was the answer to democracy. "The programme of Tours," wrote Lagardelle, "marks the uncontested triumph of State Socialism."<sup>25</sup> This could only mean the unlimited development of the

<sup>19</sup> Cf. Paul Louis, *L'Ouvrier devant l'état* (1904).

<sup>20</sup> Cf. Paul Louis, *L'Avenir du socialisme* (1905), p. 155. M. Louis has rendered the service of providing in his very frequent books not only the history of the socialist and syndicalist movements in France but a satisfactory running account of year-to-year events.

<sup>21</sup> Cf. Sorel, *L'Avenir socialiste des syndicats*, which can be put in his formula which ends the book: "The future of socialism abides in the independent development of the workers syndicates" (p. 133). This significant book with his several *Annexes* and *Préfaces* finds a permanent form in the *Matériaux d'une Théorie du prolétariat*, pp. 63-167, being Part I of the book.

<sup>22</sup> Cf. Gustave Le Bon, *Psychologie du socialisme* (1st ed. 1899, 3rd ed. 1902); S. Bourdeaux, *L'Evolution du socialisme* (1901), and Emile Faguet, *Le socialisme en 1907* (1907), for a somewhat similar point of view.

<sup>23</sup> Cf. *Quatrième Congrès Général du Parti Socialiste Français*, Tours, March 2-4, 1902, *Compte Rendu*, pp. 375-386; note also the *procès-verbal* of the Committee on Programme, pp. 389-403, on which were MM. Briand and Jaures. This Congress continued, so one chairman said, the not small task of Rabelais, Descartes and Balzac! (p. 41).

<sup>24</sup> C. Bouglé, *Syndicalisme et Démocratie* (1908), p. 96. Cf. M. Yves-Guyot, *La Démocratie Individualiste* (1907), of whom (to show how vague the syndicalist statement of democracy was) M. Sorel said he was "almost one of them" (*L.M.S.*, 1907, p. 250); also E. Seillière, *L'Imperialisme Démocratique* (1907), on Rousseau, Proudhon and Marx, and syndicalism as a democratic imperialism.

<sup>25</sup> Cf. H. Lagardelle, "Socialisme ou Démocratie," *L.M.S.*, No. 87, 1902, p. 648; for the series: No. 86, pp. 625-635; No. 87, pp. 673-687; No. 88, "Ministériisme et Socialisme," pp. 720-781; No. 89, pp. 774-781; No. 91, pp. 1009-1016, "Political Democracy and Economic Organization," and pp. 889-897, "Democracy and the Struggle of the Classes"; and No. 95, pp. 1081-1088.

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administrative and political services of bourgeois society, for political democracy had neither imagination nor capacity for the task of economic organization. Only in revolutionary syndicalism was there power and authority sufficient to inaugurate a new social movement.

In this study we are interested in revolutionary syndicalism primarily with regard to its effects upon the social politics of France and the organization of the Labour movement. It is as a protest against things as they are and its insistence upon the economic development of the Labour movement, that it may help to illuminate the problems of France between 1900–1914, and provide a background for the changes since the war. The strength of revolutionary syndicalism was marked in the Lyons Congress (1901) of the *Confédération Générale du Travail*, the central organization of the French Labour movement. This Congress denounced the Ministerial policy of MM. Waldeck-Rousseau and Millerand. The industrial programme of the Government was only a part of the illusion of parliamentarism; an “economic parliamentarism” was not wanted; but reforms which would undermine the foundations of existing society, only obtained independently of parliamentary action. The social revolution—the revolutionary hope of “social transformation”—was the ideal.<sup>26</sup> The Congress of Bourges (1904) was a “prepared success” for the revolutionary syndicalists; reformistic tendencies were represented by a minority; there was little hope for the emancipation of the working class through the bourgeois régime. From 1904 to 1906 an intensive campaign was carried on by the “militants,” and the Amiens Congress (1906) at which the Syndicalist Charter<sup>27</sup> was adopted “ended the period of the formation of a theory of syndicalism.”<sup>28</sup> Then began the struggle between political and industrial syndicalism,

<sup>26</sup> Cf. Emile Pouget, *La Confédération Générale du Travail* (1st ed. 1908, 2nd ed. 1910), p. 3.

<sup>27</sup> *XVe Congrès National Corporatif (IXe de la Confédération)*, Amiens, 1906, p. 167; *Syndicalisme et Socialisme* (1908), pp. 60–63, and *Le Parti Socialiste et la Confédération du Travail* (1908), pp. 5–6, which provide a general review of the controversy.

<sup>28</sup> Lagardelle “La Formation du Syndicalisme en France,” *L.M.S.*, No. 236, 1911, p. 241 (pp. 241–256 entire); see first part in *L.M.S.*, No. 235, pp. 161–186, and third part in *L.M.S.*, February, 1912, pp. 134–145; also his attempt to state the contribution to working class of socialist-syndicalist period in *L.M.S.*, December, 1911, “Nouveaux Problèmes,” pp. 321–324. Cf. Emile Pouget’s four articles on “Le Syndicaliste Congrès d’Amiens,” *L.M.S.*, October, November, December, 1906, pp. 26–43, 266–272, 380–393, and January, 1907, pp. 23–53.

a period of "expanding socialism," so Lagardelle expressed it. The dividing point was on the attitude of the worker toward the State; whether a policy of "reformism," *le socialisme réformiste*, inaugurated afresh by M. Millerand,<sup>29</sup> or "revolutionary syndicalism," *le syndicalisme révolutionnaire*, interpreted by the C.G.T., was to be pursued.<sup>30</sup>

The chief indictment against the State in the minds of the revolutionary syndicalists was its class-conscious aim and origin. The State was conceived as the quintessence of bourgeois domination, its main concern being the exploitation of the working class. Any function that the political state possessed in bringing about the necessary conditions for proletarian control over industry had passed away.<sup>31</sup> The end had been reached in political revolutions, and no further good could be expected from them.<sup>32</sup> The field of politics should be given over to the intellectuals whose true vocation is the exploitation of politics. According to Sorel the rôle of the politician is quite analogous to the courtesan for neither is required to possess industrial aptitude;<sup>33</sup> and somewhat later referring to M. Albert Thomas as one of the "Cardinals of Socialism," he wrote that "the introduction of Catholic manners in Socialism is, up to now, the most clear result of the invasion of the intellectuals."<sup>34</sup>

<sup>29</sup> Cf. A. Millerand, *Le socialisme réformiste français* (1903), for full statement of this point of view; M. Rappoport, *Socialisme de Gouvernement et Socialisme Révolutionnaire* (1902), issued by *Parti Ouvrier Français*; Felicien Challaye, *Le syndicalisme révolutionnaire* (1909), a clear full statement; and Georges Guy-Grand, *La philosophie syndicaliste* (1911), a middle plea between Nationalism and Syndicalism.

<sup>30</sup> M. Sorel's *Réflexions sur la violence* (1906, first in *Le Mouvement Socialiste*, 5th ed. "Avec Plaidoyer Pour Lenine" (1921)), remains the best interpretation of syndical philosophy on "direct action"; a shorter statement is Pouget's in *La Confédération Générale du Travail*, pp. 36-50; (1) The Strike, (2) Boycott and Label, (3) Sabotage, (4) Struggle Against the State, (5) The General Strike. Cf. M. Pierrot, *Syndicalisme et Révolution* (1905), and M. Friedeberg, *Le Parlementarisme et la Grève Générale* (1905).

<sup>31</sup> Cf. E. Berth, "L'Erreur Tactique du Socialisme," *L.M.S.*, June 15, 1905, pp. 217-233; and his "Anarchisme Individualiste, Marxisme Orthodoxe, Syndicalisme Révolutionnaire," May 1, 1905, pp. 5-35.

<sup>32</sup> Cf. Sorel, *La décomposition du Marxisme* (1st ed. 1908, 3rd ed. 1910), p. 66.

<sup>33</sup> Sorel, *L'Avenir socialiste des syndicats*, p. 98; cf. Lagardelle's four articles on "Les Intellectuels et le Socialisme Ouvrier," *L.M.S.*, February, March, April, May, 1907, pp. 104-120; 217 ff., 348 ff., 409.

<sup>34</sup> Sorel's *Review* of M. Thomas' *Babeuf: La Doctrine des Egaux*, *L.M.S.*, May-June 15, 1906, Nos. 174-175, p. 173.

There is no need of going back further than the Communist manifesto for the popular syndicalist thesis that political power, which came from the state, is merely the organized power of one class for oppressing another. In proportion as anarchy in social production vanishes, the political authority of the state dies out. The moral justification of socialism, for the older socialists so extraordinarily simple, provided a common historical and psychological formula for syndicalism and socialism; that the experience of economic processes has necessarily proved that industrial production be organized and directed by the producing workers. The Amiens Charter declared that the mark of syndicalism was to be self-sufficient. Yet the anti-statism of syndicalism was a very different thing from the anti-statism of individual anarchism, the pre-syndicalism; the latter transferred authority from the state to the individual, the former did away with it altogether, distributing the power of the state to the syndicate.<sup>85</sup> The political power which represented an inefficient and unscientific State was part of the capitalistic society which, in the natural evolution toward a higher organization of life, would be shuffled off.

This view was inherent in the neo-Marxism which gave a philosophy of action to the syndicalist movement. The bed-rock of Marxism was conceived to be the dissolution of the capitalist society. On that point all Marxians could unite, without entering into the more controversial subject of the means and methods of the dictatorship of the proletariat. Yet at the beginning of the century there seemed no indication that capitalistic society was ready to give itself up to the workers of the world. The leaders of socialism in the constitutional countries had no faith in the re-making of the world because of the increasing misery of the lower classes. There was an universal inquietude in French socialism and in international socialism. The economic period of socialism under Marx was coming to an end.<sup>86</sup>

<sup>85</sup> Cf. *Syndicalisme et Socialisme*, pp. 9-20 (Arturo Labriola), and the Appendix, "Syndicalisme et Anarchisme," pp. 59-63; also A. Labriola, *L.M.S.*, February 15, 1905, pp. 213-229. "Plus-value et Reformisme," a plea against the philosophy of reformism. The Report of the *Congrès Anarchiste d'Amsterdam 1907* (Paris, 1908) provides a good account of events in France since the Amiens Congress, with regard to Anarchist theory.

<sup>86</sup> Cf. Joseph Hitier, *La Dernière Evolution Doctrinale du Socialisme: Le Socialisme Juridique* (1906), chap. I, pp. 4-15, "La genèse de la Doctrine Nouvelle," appearing originally in *Revue d'Economie Politique*, March, May and June, 1906; see reply of Sorel, "Le Prétendu Socialisme Juridique," *L.M.S.*, April, 1907, pp. 320-348.

There was the necessity of giving a new meaning with power to *le Marxisme*.<sup>87</sup> Revolutionary syndicalism achieved that end by expanding the scope of Marxian doctrines to include the militant philosophy of the dissolution of the capitalist society by the inauguration of the régime of the workers. For Sorel this meant the passing from a system of obligation to a system of rights.<sup>88</sup> Socialism having degenerated to mere parliamentarism was to find itself carried on in its entirety in the life of the syndicate. It was only in the syndicate that Marxism would find its practical re-vivification and its historical equivalent.<sup>89</sup>

The economic basis was the syndicate. The producer was vital, fulfilling the essential organic functions, thanks to which society was perpetuated. It was therefore the first duty of socialism to form a society of producers. Just as oppression caused the exploited to group together, so the régime of capitalist production created the syndicate. The syndicate was the natural selection of the most class-conscious, the most combative among the workers. If the class struggle were the whole of socialism, it was possible to say that the whole of socialism was contained in syndicalism, for syndicalism had no other end but the class struggle.<sup>40</sup> But even in the light of this class struggle syndicalism was "more of a means for moral progress than of economic progress. In a world that has lost its taste for liberty, at a time when there is no longer the sentiment for dignity; it makes its appeal to the lively forces of human personality and gives an enduring example of courage and energy."<sup>41</sup>

That gave meaning to the professional associations, the "groups of combat." The syndicates would become the representative organs and directors of the working class; around them would be built the

<sup>87</sup> Cf. Sorel, *La décomposition du Marxisme*, Part VI, pp. 60-68; also "Mes raisons du syndicalisme" (appearing originally in the *Rome Divenire Sociale*, March 1-May 16, 1910), pp. 239-286, in *Matériaux d'une théorie du proletariat*.

<sup>88</sup> Cf. Sorel's *Review* of F. Lasalle's *Théorie Systématique des Droits Acquis: Conciliation du Droit Positif et de la Philosophie du Droit*, French translation in two volumes by various authors, with Preface by Charles Andler (1904), *L.M.S.*, April 15, 1906, pp. 476-485.

<sup>89</sup> Cf. Sergio Pannunzio, "Le Socialisme Syndicaliste ou l'Individuation du Socialisme," *L.M.S.*, January 15, 1906, pp. 57-71.

<sup>40</sup> *Syndicalisme et Socialisme*, pp. 3-8; this volume is the Report of the International Conference held in Paris, April 3, 1907, and contains the addresses of Griffuelhes, A. Labriola, Robert Michels, Kritchewsky, and Lagardelle.

<sup>41</sup> Lagardelle, *op. cit.*, pp. 52-53.



new economic structure of the future. But the syndicates were to have none of the functions of democratizing institutions, nor were they to borrow from the processes of democratic society. The economic world was to take nothing from the political world. The principle of majorities, giving a fictitious value of equality to all, was to have no place. The audacious and intelligent minority were to give the impulsion which would bring about the new society. The *droit syndical* opposes, says Pouget, the *droit démocratique*. The organization of a world of workers was to be brought about by radically different means than that which held together the world of voters, though M. Pouget cheerfully wrote that "the National Syndicate is modelled on the organization of the State which it combats."<sup>42</sup> But with the spirit of self-government within this federalism—the essence, he says of economic societies in the future—there is the understanding of the profoundly revolutionary spirit of French syndicalism. Electoral socialism would be irremediably hostile, but that could only be expected.

The syndicate was the only adequate form by which this new industrial movement could express its revolutionary spirit.<sup>43</sup> From a stage of industry when the wage earner was a victim used for the greed of an individual or a class he would become a master in his own right, an equal in a society of fellow producers.<sup>44</sup> Economic development had completely changed society; the demands of the economic life were the first and most important factor for people and were fundamental to any progress.

To save the worker from the degenerating autocracy of the state, as a producer he must assume control. Only the producers had the

<sup>42</sup> *La Confédération Générale du Travail*, p. 21.

<sup>43</sup> See Fernand Pelloutier, *Histoire des Bourses du Travail, Origine, Institutions, Avenir* (1902), with Preface by George Sorel, and Note by Victor Dave, for the basic statement, often built upon with full acknowledgment by Sorel; cf. D. Halévy, *Essai sur le Mouvement Ouvrier en France* (1901), Part I, pp. 3-98, "Le Syndicat."

<sup>44</sup> Cf. Sorel, *Réflexions sur la Violence*, chap. V, pp. 220-228, "La Grève Générale Politique"; popular accounts are Pouget, *Le Syndicat* (1905), Grif-fuelhes, *L'Action Syndicaliste* (1908), and *Voyage Révolutionnaire: Impressions d'un Propagandiste* (1910), and Leon Jouhaux, *Le Syndicalisme Français—Contre la Guerre* (1913). The Syndicalist Utopia was written by E. Pataud and E. Pouget, *Comment Nous Ferons la Révolution* (1909). Translated into English by C. and F. Charles, *Syndicalism and the Co-operative Commonwealth, How We Shall Bring About the Revolution*, with Foreword by Tom Mann (1913).

right to control and regulate; it was simply an assumption of prejudiced interest that the state could, as an alleged servant of society, interfere. This emphasis upon the economic organization of society represented the progress of anti-political syndicalism, and also revealed the discredit into which the public powers had fallen. At the same time it was a refusal to accept a socialism of party rather than a socialism of class. Yet however much one believed that the political socialist movement had been saved by syndical expansion,<sup>45</sup> as M. Louis did, the warning was given early against the syndicalist exaggeration of attempting through the C.G.T. to reduce the capitalist State by the simple development of *organs corporatifs*.<sup>46</sup> Both in France and England strong corrective tendencies have operated, such as the co-operative movement of the leagues of consumers, besides definite attempts to provide a wider basis for syndicalist organization. Mr. Beer phrases it thus: "It is not desirable that the ultimate Sovereign body should be either political or industrial. A Trade Union Congress (or National Syndicate) invested with supreme power would be no less liable to develop tyrannical powers than a state invested with supreme power. It would be in fact a quasi-state, elected on an industrial, instead of a territorial basis; whereas the real need is for a division of Sovereign power, and a distinct representation of the functions of production or 'making' and consumption or 'use'." <sup>47</sup>

Though the Congresses of the *Confédération Générale du Travail* from 1901 to 1906 were markedly for revolutionary syndicalism,

<sup>45</sup> *L'Avenir du Socialisme*, p. 84; cf. L. Garriguet, *L'Evolution Actuelle du Socialisme en France* (1912), M. Paul Louis' *Le Syndicalisme contre l'Etat* (1910), attempted to show how the Socialist party took what was usable in the syndicalist programme, and how the party adapted itself to the tendencies of that movement. Cf. E. Buisson, *Le Parti Socialiste et les Syndicats* (1907), advising the parliamentary socialists to join the syndicalists and win over the anti-political wing.

<sup>46</sup> Louis, *op. cit.*, p. 184.

<sup>47</sup> *Op. cit.*, vol. I, p. 321. Cf. Paul Leroy-Beaulieu, *Le Collectivisme* (5th ed. 1909), esp. Part IV. "Le Syndicalisme—La 'Nouvelle Ecole'." The English edition of earlier edition, translated and abridged by Sir Arthur Clay, appeared in 1909, *Collectivism: A Study of the Leading Social Questions of the Day*. A. Emil Davies in *The Collectivist State in the Making* (1914), declared "as organized labour becomes stronger, it is not difficult to conceive a state of affairs when we might be confronted with the tyranny of Labour as compared with the past tyranny of capitalism" (p. xvii), and chap. XXI, "Collectivism and the Labour Problem."

there was nevertheless a substantial body of reformistic propaganda within the ranks of French labour. This was expressed in the Bourges (1904) Congress of the C.G.T. and in the Socialist Party Congress at Châlon in 1905. Though the first two Congresses of this century (Lyons, 1901, Montpellier, 1902) of the C.G.T. condemned compulsory arbitration, the *Conseils du Travail* and all the governmental inventions and policies aimed at parliamentarizing the working class movement and to place it under the dependence of the state,<sup>48</sup> there was not so definite a formula in the working class mind as in M. Berth's, that "revolutionary syndicalism transcends the state and will abolish it."<sup>49</sup> It was agreed in Congresses that the State-Patron should be resisted as determinedly as patronal oppression, but from the beginning there was the attempt to interpret the political power of revolutionary syndicalism.<sup>50</sup> For three years the C.G.T. carried on a continuous fight against the old system of employment exchanges; gaining the victory in 1905, it turned to the agitation for an eight hour day, then the English week, and, even later, after anti-militarism, to old age pensions. The continued denial of the "feudal particularism" of revolutionary syndicalism was even one expression of the hope that the leaders had in the unifying power of the economic doctrine of proletariat communism.<sup>51</sup>

The free association of producers was an ideal which inspired the earlier enthusiasm of the leaders of the *Bourses du Travail*, especially Pelloutier who believed fervently that they had an important part to play in the society of the future which would become by the efforts of the workers a superior social order.<sup>52</sup> The revolutionary

<sup>48</sup> *L.M.S.*, August 1-15, 1905, p. 543; the English Trade Unions' reformism is cited as an example to be avoided (p. 542); cf. *L.M.S.*, July 15, 1905, pp. 260-277, "La Campagne Contre la Bourse du Travail," by C. Desplanques.

<sup>49</sup> See his *Review* of H. Roland-Holst's *Generalstreik und Social-Democratie* (Dresden, 1905), *L.M.S.*, pp. 540-541 (pp. 524-541 entire), August 1-15, 1905.

<sup>50</sup> Cf. Lagardelle, "Révolutionnairisme Electoral," *L.M.S.*, December 1-15, 1905, pp. 381-392, on Châlon Congress and political power of revolutionary syndicalism; also, *op. cit.*, A. Morizet, "Les Classification Socialistes Après le Congrès de Châlon," pp. 416-424; and "Les Deux Conceptions du Syndicalisme": (1) *Le Syndicalisme Révolutionnaire*, Victor Griffuelhes, Secretary of the C.G.T., and *Le Syndicalisme Réformiste*, by the secretary of the conservative *Fédération du Livre*, *L.M.S.*, Jan. 1, 1905, pp. 1-41. Cf. Paul Delesalle, *Les deux méthodes du syndicalisme* (1905).

<sup>51</sup> Berth, *op. cit.*

<sup>52</sup> Cf. Pelloutier, *op. cit.*, chap. VIII, "Conjectures sur l'Avenir des Bourses du Travail," pp. 159-171; cf. Halévy, *op. cit.*, pp. 203-288, Part III, "L'Action Politique."

rôle of the workers' movement, it was thought, at the beginning of the century faced a new enemy in the democratic state. "French syndicalism was born from the reaction of the proletariat against democracy."<sup>53</sup> One who surveyed all the socialist and workers' congresses said in despair, "we are dying of centralization, and the great evil arises from the infection of the workers themselves by this spirit of the state."<sup>54</sup> Sorel agreed. His conclusion was "that all revolutionary effort tends to create *free men*; but democratic rulers set themselves the mission of realizing the *moral unity* of France. This moral unity is the automatic discipline of producers who would be happy to work for the glory of their intellectual chiefs."<sup>55</sup> But such degradation by democratic methods was the defeat of the workers' purpose; the great danger which menaced syndicalism was to imitate democracy, for it was far better to content itself for a time with weak and chaotic organizations than to fall under the domination of syndicates who copy the political forms of the bourgeoisie.<sup>56</sup> Such a policy would be fatal to the aims of syndicalism.

The suggestion of the chaotic condition of French syndical organization was accurate. The first *Bourse du Travail* was opened in Paris in 1887; the first congress of the *Fédération des Bourses du Travail* was held in 1892, when 14 Bourses were in existence.<sup>57</sup> "The *Fédération des Bourses du Travail* since 1894," wrote Pelloutier, "has been the only active French organization."<sup>58</sup> The *Confédération Générale du Travail*<sup>59</sup> had been organized in 1895, for the exclusive purpose of uniting the working-men, in the economic domain and by bonds of class solidarity, in the struggle for their complete emancipation, and to put to an end the disorganization which penetrated their ranks under cover of the political spirit. The need of an independent spirit in the struggle against "the bourgeoisie and democratic State," which characterized French syndicalism and gave to

<sup>53</sup> Lagardelle, *Syndicalisme et Socialisme*, p. 36.

<sup>54</sup> Preface to Pelloutier's *Histoire*, p. 24, quoted by Sorel from M. Ponard, "of whose sound judgment all the world knows."

<sup>55</sup> Sorel, *Réflexions sur la Violence*, p. 268, his italics.

<sup>56</sup> Sorel, *ibid.*

<sup>57</sup> See Paul Delesalle, *Les Bourses du Travail et la C.G.T.* (1910), for short account, and Maxime Leroy, *La Coutume Ouvrière* (2 vols., 1913), for extended critical survey.

<sup>58</sup> Pelloutier, *op. cit.*, p. 159. He was secretary from 1894-1901; from 1901 to 1908 Victor Griffuelhes was secretary of the C.G.T. Their comments on syndical history and organization have a practical significance.

<sup>59</sup> Cf. Leroy, *op. cit.*, vol. I, pp. 447-478.

the *Confédération Générale du Travail* its originality in the international working class movement, began in the organization of the *Fédération des Bourses du Travail* in 1892.<sup>60</sup> The later *Confédération Générale du Travail* aiming at freedom from all governmental tutelage, state or municipal, took the syndicate—the group of workers—as the base; the next inclusive group was the *Fédération* of Syndicates and the Union of Syndicates; and the third stage of organization was the *Confédération Générale du Travail*, the group of Federations and Unions.<sup>61</sup>

At each stage the autonomy of organization was complete: the Federation and Unions of syndicates were autonomous in the Confederation; the syndicates were autonomous in the Federations and Unions; and the workers were autonomous in the syndicates.<sup>62</sup> This ideal of unity in the French trade union movement, constituting a theory of workers' self-government, began its development at the Limoges Congress (1895), when the C.G.T. was inaugurated. Following several years of dispute the *Fédération des Bourses du Travail* at the Montpellier Congress (1902) joined the Confederation, and there began "the heroic period" of syndicalism, down to 1908.<sup>63</sup> It was asserted at this time that the intellectual leaders of the syndicalist movement were afflicted with the "nostalgia of heroism."<sup>64</sup>

Within the heroic period of 1901 to 1908, whatever place the intellectuals may have had, the workers themselves were articulate.<sup>65</sup> The revolt against a benevolent State was made in the name of freedom; for the attack was against a socialism of the State, when formally expressed, because it limited economic development and was nothing more than a perpetuation of capitalism. The marching order of the new working class was from parliamentarism to socialism, until all state influence had disappeared and the syndicate was the

<sup>60</sup> Delesalle, *op. cit.*, pp. 6-7.

<sup>61</sup> E. Pouget, *La Confédération Générale du Travail* (1910), pp. 3-36, for principles upon which the C.G.T. were organized.

<sup>62</sup> Pouget, *op. cit.*, p. 4.

<sup>63</sup> Lagardelle, "La Formation du Syndicalisme en France," *L.M.S.*, No. 235, Sept.-Oct., 1911, p. 161 (161-186 entire).

<sup>64</sup> Cf. C. Bouglé, *Syndicalisme et Démocratie* (1908).

<sup>65</sup> See E. Berth's *Review of Sombart's Sozialismus und Soziale Bewegung* (6th ed., 1908), in *L.M.S.*, May 15, 1908, pp. 389-397, and J. B. Severac's *Review of C. Bouglé's Syndicalisme et Démocratie* (1908), *L.M.S.*, Dec. 15, 1908, pp. 471-475, for denial of the intellectuals' dictation.

means of control.<sup>66</sup> "All socialism of the State can do," said M. Fages, "is to substitute a new for an old slavery," and, "socialism must not be under the tutelage of the State and its *fonctionnaires*."<sup>67</sup> "Direct action, struggle against the bourgeois State and democracy," M. Delesalle wrote, were the points which a militant never lost sight of; and the working class demanded financial and political freedom from each.<sup>68</sup> For Marx, it was believed, the organization of the economic society meant destruction of the state, yet by 1908 the doctrine of "revolutionary evolution" was acclaimed as his significant contribution to social theory.<sup>69</sup> Marxism as a theory of action meant three things: (1) the preponderance of working class institutions; (2) anti-Statism and its corollary anti-patritism; and (3) revolutionary evolution.<sup>70</sup> Social revolution would not be the work of a day; it was dependent first upon the proletariat being able to take over the succession of capitalism. It was therefore a patient and long work which the working class imposed on itself. The workers did not hope for the miracles of the Commune. They had no utopias all ready to be introduced by decree of the people. They well knew that to realize their true emancipation, and at the same time achieve the most noble order toward which society directs itself by its own proper economic forces, they would have to go through long struggles and the whole cycle of historical progress, which transformed circumstances and men. Practical action, creating institutions and ideas, came before all. That alone was revolutionary. Thus the proletariat would manifest their power by acts and not by words. It was by this daily method that there would be little by little produced revolutionary institutions and ideas, which became their aim, and at the possible moment, the society in their own image. It was to that Marx appealed—revolutionary evolution!<sup>71</sup>

<sup>66</sup> Cf. A. Labriola, "Du Parlementarisme au Socialisme," *L.M.S.*, December, 1905, pp. 296-313; and his *Reforme e Rivoluzione Sociale* (Lugano, 1906), contained his chief contributions to the syndicalist movement through the *Mouvement Socialiste*.

<sup>67</sup> C. Fages, "La Crise Socialiste," *L.M.S.*, April 15, 1906, pp. 377-389; cf. "La Crise Révolutionnaire du Socialisme Français," Eugène Fournière in *Revue Socialiste*, June and July, 1905, reviewed by H. Lagardelle, *L.M.S.*, October 1-15, 1905, pp. 252-264.

<sup>68</sup> "Les Bourses du Travail et Leurs Difficultés Actuelles," *L.M.S.*, March 15, 1908, pp. 161-170.

<sup>69</sup> Lagardelle, "Apropos de Marx," *L.M.S.*, March 15, 1908, pp. 194-201.

<sup>70</sup> *Ibid.*, p. 196.

<sup>71</sup> *Ibid.*, p. 200.

There was little room for this doctrine in the political socialism of reformism, even though, as with M. Guesde, the class struggle theory of parliamentary action was followed out. Each day revolutionary enthusiasm became less on the democratic terrain. Revolutionary syndicalism gave a new vigour to socialism, but its purpose was not to be diluted through weary political manoeuvres; but was rather defined through the general strike, which expressed "the resurrection of the people, becoming conscious of itself, of its complex personality, of its spiritual unity."<sup>72</sup> While the German or English working class movements were only adaptations to bourgeois society, the French working class movement was a movement of absolute negation and creation. The parliamentary régime had corrupted France, for when democracy triumphs the politicians become masters of the day. The Clemenceau Ministry appeared the most typical example of this decomposition of democracy. It was contemporaneous with the high tide of revolutionary syndicalism in 1906, which gave a freshness and a daring to the criticism of revolt. It did not matter that M. Deschanel condemned in the Chamber of Deputies the narrowness of syndicalist conceptions of work;<sup>73</sup> the conviction of the leaders was that the great problem which agitated the nation was that of the organization and liberation of work. Syndicalism then became a theory which gave to the workers' professional organizations, animated by the revolutionary spirit, the real meaning of social transformation. It was a *workers' socialism*, said Lagardelle. By its conception of the class struggle it opposed itself to all pure *corporatisme*, of which the English Trade Unions furnished the type; by its emphasis on proletarian institutions it separated itself from parliamentary institutions; and by its care for positive creations and its distrust of ideology it was differentiated from traditional anarchism. It was taken for granted that it was impossible to change the nature of the state. This was proved by Briand, Millerand, and Viviani; and the cause was in the imitation

<sup>72</sup> E. Berth, "Marchands, Intellectuelles et Politiciens," *L.M.S.*, March 15, No. 196, 1908, p. 221; also his three other articles under this title Nos. 188, 191 and 192, 1908. Cf. *Le Droit de Grève*, Report of the Conference in Paris (1909), at which M.M. Gide, Barthélemy and Perreau spoke. The editor of the series wrote that socialism tended to reduce itself to syndicalism and syndicalism itself found perfect expression in the strike.

<sup>73</sup> *J.O.*, May 9, 1907, pp. 936-938, quoted by G. Beauvois, in "L'Etat, les Partis, et le Syndicalisme," *L.M.S.*, Aug.-Sept. 15, 1907, pp. 113-127.

by parliamentary socialism of the process of democracy. Syndicalism did not think democracy capable of providing new values; it was little more than a régime of demoralization which exalted the human person. "It was the principle of *indirect action* of democracy that syndicalism denounced as corruptive of human personality. The representative system supposed by definition that the citizen was powerless. He was powerless because he was incompetent." <sup>74</sup>

His incompetence arose when he was detached from real conditions of life, having to pronounce, not on the problems which came under his hand and made up the matter of his existence, but on that whole body of vague questions which were designated under the name of "general interest" and which ignored him. This helped to explain the development of the tradition of anarchism in syndicalism; but what anarchism combatted in syndicalism was its pragmatism and anti-intellectualism. However, syndicalism was born of the worker's experience and not his theories. It distrusted dogmas and formulas. Its method was realistic. Anarchism was *anti-parliamentary*; syndicalism was *extra-parliamentary*; it recognized only the producer, ignoring the citizen, while anarchism relegated economics to a second place. But if for the accomplishment of its own proper tasks the parliamentary means were not the best, it permitted, outside the syndicate, the independent worker to utilize political parties for other work. Syndicalism was not chained to any dogma.<sup>75</sup> Yet syndicalism was not a socialism of institutions; it was created in the struggle which made the selection of the militant worker for the work of revolutionary socialism. This cannot be mere democratic reform, for "the conciliation of reformism and syndicalism is not possible."<sup>76</sup> Though the demands of political democracy in some countries may have forced the Socialists at times to discharge the political functions of the bourgeoisie, there was the more important problem of what the future society is to be. While socialism cannot be definitive, it is the power which is to create the new order. It must

<sup>74</sup> H. Lagardelle, "Les Caractères Généraux du Syndicalisme," *L.M.S.* June 15, 1908, pp. 426-436; cf. G. Beaubois, "La Décadence Démocratique," *L.M.S.*, pp. 341-354.

<sup>75</sup> Lagardelle, *op. cit.*

<sup>76</sup> *Ve Congrès National du Parti Socialiste (S.F.I.O.), Toulouse, 1908, Compte Rendu*, p. 274 (Lagardelle); pp. 252-274 for his long address on syndicalism and socialist politics.



be more than the advance guard of bourgeois democracy.<sup>77</sup> The modern democratic state fits in well with the capitalist order, in fact, better than the ancient state; and because the parliamentarians have systematically refused to study economic questions, the workers are driven to create a world of their own. "We come not as founders of a new school or purveyors of dogma," said Lagardelle, "we are simply disquieted men, who, in the desert of our epoch, are seeking the sources of fresh and abundant life. The good will is our means. For the rest, we leave it to destiny."<sup>78</sup>

Such a statement suggests the view that an act of faith was at the basis of revolutionary syndicalism, faith that in the proletariat was the hope for the recreation of society.<sup>79</sup> But M. Sorel denied this, because the superiority of the proletariat was acquired in the class struggle; it was the only class animated by the spirit of war, and, in consequence, the only one which was virile and capable of progress.<sup>80</sup> On this basis Sorel appealed to M. Bergson to direct his theory to the service of the social movement;<sup>81</sup> and at the same time he was grateful to William James for inspiring a new interest in religion, an interest which he would utilize for proletariat unity in the myth of the general strike.<sup>82</sup> It was patent that political socialism

<sup>77</sup> Cf. E. Szabo, "Politique et Syndicats," *L.M.S.*, No. 207, Feb. 15, 1908, pp. 108-129. He points out the contradictory attitude of A. Labriola, candidate for Parliament in Italy, Lagardelle in the Unified Socialist Party, and Michels in Germany for democratic liberty (p. 108).

<sup>78</sup> "Classes Sociales et Parti Politique," *L.M.S.*, July-August, 1909, pp. 5-25.

<sup>79</sup> Cf. E. Dolleaux, *Le Caractère Religieux du Socialisme* (1906); appeared originally in *Revue d'Economie Politique*, June, 1906; Charles Maurras, *Le Dilemme de Marc Sagnier: Essai sur la Démocratie Religieuse* (1907); Bernard Allo, *Foi et Systèmes* (1908), a study in which Bergson is omitted; and A. Fouillée, *La Pensée et les Nouvelles Ecoles Anti-Intellectualistes* (1911).

<sup>80</sup> Sorel, *L.M.S.*, November, 1906, pp. 282-293.

<sup>81</sup> See Sorel's series of articles on Bergson's *Creative Evolution* in *L.M.S.*, Nos. 191 and 193, 1907, pp. 25 ff., and Nos. 194, 196, 197, 1908, pp. 34 ff., and 276 ff. The last (pp. 276-294) is the special appeal. See also the symposium in *L.M.S.* on "Influence de la Philosophie de M. Bergson," April, July-August, November (1911), January and February (1912), and J. B. Severac, "William James," February, 1911, pp. 142-144.

<sup>82</sup> Cf. Sorel's *Review of Science et Religion dans la Philosophie Contemporaine* (1908), *L.M.S.*, May 15, 1908, pp. 388-389. A suggestive study is M. Ernest Seillière, *Le Pêril Mystique dans l'Inspiration des Démocraties Contemporaines* (1918); and see Parker Thomas Moon's *The Labor Problem and the Social Catholic Movement in France* (1921), and Dennis Gwinn, *The Catholic Reaction in France* (1925).

was not the best expression of the class struggle. The final period of its vitality, says Lagardelle, was expressed by Guesde in the Chamber of Deputies, June 16, 1896, when he said "take guard when socialism begins to disappear, you will then have no defence against individual reprisals and the assaults of groups. Socialism is the best lightning-conductor (*paratonnerre*) against the workers' revolt." <sup>83</sup>

Jaurès expressed another phase of reformism when he said that it was necessary that the struggle cease between the Government of the Republic and the working class. The disaffection of the working classes thus had stronger economic reasons.<sup>84</sup> Formerly the revolt was against the state as an oppressor, it was now against the state as a benefactor. It was therefore the duty of French syndicalism to destroy for the working class the State-superstition, proving that the state remained the same under the various aspects it assumed, an oppressive and external mechanism to life. The last incarnation of the state was also the death of the state.<sup>85</sup> In its place was the syndicate, the natural organ of the class struggle: that was the first fundamental idea of syndicalism.<sup>86</sup>

## II

### THE REACTION ON POLITICS

The success of continued syndicalist appeal to the economic basis of working class progress had a definite political response beyond reviving the Socialist party. M. Ribot, in the Senate, November, 1909, declared: "I guard my convictions, but the more I reflect the more I am convinced that the great political struggles are for a moment finished and that the combats we see are only skirmishes of the advance guard. On the other hand social questions take daily a more important place. There is a deep aspiration in all those men (workers) who have our equality of law and share with us popular sovereignty, toward liberty and well-being, toward a diminution of

<sup>83</sup> Lagardelle, "Les Origines du Socialisme Parlementaire en France," *L.M.S.*, No. 214, Oct., 1909, p. 193, quoted; pp. 170-193 entire; *L.M.S.*, Nos. 213, 215, 216, pp. 81-99, 241-264, for the first and third articles of series.

<sup>84</sup> Pelloutier, *op. cit.*, p. 66.

<sup>85</sup> Lagardelle, *op. cit.*, p. 260.

<sup>86</sup> *Ve Congrès National du Parti Socialiste (S.F.I.O.)*, Toulouse, 1908. p. 255 (Lagardelle).

labour and also an increase of dignity. We are not able to be unconcerned. The egoism of class has always been a fault; today it would be unpardonable; it would be suicide."<sup>87</sup>

Yet the reaction of socialist politics upon the economic policies of syndicalism created, from 1909 on, the crisis of "domestication," as it was termed.<sup>88</sup> The emphasis upon revolutionary evolution anticipated the general reaction toward reformistic syndicalism, and the Ministry of M. Briand did not check its opportunistic tendencies. The function of revolutionary syndicalism was then conceived to be to orient politics toward economics; for in all countries, as it was thought England pointed the way, the political struggle was an economic struggle. Workers' representation would be the extension to Parliament of direct trade union action.<sup>89</sup> Parliamentary action by labour representation became nothing more than the extension and integration of direct action. This recalls the earlier counsel of M. Sorel himself: It is up to the syndicalist to choose the political candidate who seems less bad, having regard to the time and place, or not to choose at all.<sup>90</sup>

But the attitude toward socialist politics had changed, even if for industrial socialism the problem remained the same in 1910 as it was in 1900: Was socialism to be of the workers or of political parties? <sup>91</sup> Lagardelle could say in 1910 that one believed less and less in the creative force of the state and the magic of parliamentarism. "It was not so ten years ago. The primacy of politics over economics seemed incontestable; democracy was the dogma of dogmas. We spoke a premature language. But events came to our aid. Traditional socialism began to decompose with a disconcerting rapidity. I do not know of any period more sad than the beginning of the twentieth century. Instead of a conquering, heroic, regenerated movement for which

<sup>87</sup> *J.O., Sénat*, November 6, 1909, p. 868, quoted by A. Merrheim to prove the value of eight years of agitation, in his "La Crise Syndicaliste, *L.M.S.*, Nov.-Dec., 1909, p. 298 (pp. 290-304 entire).

<sup>88</sup> See symposium by leaders in *L.M.S.*, January, April, August-September, 1910, pp. 57-65, 262-275, 116-122; also A. Merrheim, "La Parlementarisation du Syndicalisme," *L.M.S.*, April, 1910, pp. 241-249, against the scheme of a "Fédération Nationale du Travail."

<sup>89</sup> Cf. Sergio Pannunzio, "Syndicalisme et Représentation Ouvrière," *L.M.S.*, May-June, 1910, pp. 320-337.

<sup>90</sup> Cf. Sorel, "Le Déclin du Parti Socialiste International," *L.M.S.*, February 6, 1906.

<sup>91</sup> Cf. H. Lagardelle, *Le Socialisme Ouvrier* (1910).

we had waited, there was a small parliamentary party, trafficking in politics, disreputable in its abdications. Neo-Marxism was the base of criticism and affirmation. It was our duty (Lagardelle and Sorel) to prove that syndicalist socialism was a movement issuing from democracy."<sup>92</sup>

But syndicalism was never conceived as a new school with its dogmatics and its inflexible formulas.<sup>93</sup> It appeared as a suggestive movement of new ideas, soliciting from thought an original work, provoking necessarily varied reflections and always revisable. In the full decadence of democracy syndicalism furnished the elements of social renewing. It represented the revolt of economic society against political society, the insurrection of labour against incompetence and parasitism, the struggle of *nation against the state*.<sup>94</sup> This revolt against the State had an interesting development, when MM. Sorel and Berth decided in 1910 to join with the group of the *Action Française* in the publication of a neo-monarchist monthly *La Cité Française*. Sorel's appeal was "to all who sense the vanity of democratic declarations."<sup>95</sup> But this apostasy had hardly any more effect than confirming the fact that the economic movement of the French working class had deeper roots than in the theorizing of the gourmets of social theory.<sup>96</sup>

Professor Sombart wrote in 1907, that "the hold of the Syndicalists on the masses had not had the result of raising the social faith of the masses to a higher level, or filled them with a desire for a higher form of social warfare. The Syndicalist leaders are mistaken

<sup>92</sup> Lagardelle, *op. cit.*, the Preface.

<sup>93</sup> Cf. Sorel, *La Décomposition du Marxisme*, p. 63.

<sup>94</sup> Lagardelle, Preface to J. Gaumont's *L'Etat Contre la Nation* (1911), on "La Politique Syndicaliste."

<sup>95</sup> See *Prospectus of La Cité Française* in *L.M.S.*, January, 1911, pp. 52-53; *ibid.*, Lagardelle, "Monarchistes et Syndicalistes," pp. 52-55; *op. cit.*, July-August, 1912, pp. 101-106, his "Les Enigmes de Rousseau"; and January, 1912, pp. 65-69, his "Proudhon et les Neo-Monarchistes." Cf. George Valois, *La Monarchie et la Classe Ouvrière* (1910); the author was one of the founders of the ill-starred *La Cité Française*.

<sup>96</sup> Cf. E. Berth, *Guerre des Etats ou Guerre des Classes* (1924), for a survey of these tendencies, which may be compared with his *Méfais des Intellectuels* (1914); also *Les Derniers Aspects du Socialisme* (1923), a revised and augmented edition of *Les Nouveaux Aspects du Socialisme* (1908), presents more forcefully and definitely the author's point of view. In common with nearly all syndicalist writers M. Berth brings together whatever he has written under a title which may have no relation to a great deal of the book.

if they imagine that the masses understand the new teaching as they themselves do. The masses regard it as a revival of the old ideas of revolution, so dear to their hearts. There can be little doubt that in the adoption by the masses of syndicalist doctrines we may perceive the old dislike which the French spirit entertains of all progress, of the weary daily task in the parliamentary and trade union struggle. No matter what the leaders of the movement may say to the contrary, syndicalism has taken the place of antiquated Blanquism in the hearts of the impatient Frenchmen. It is, therefore, not a step forward but a step back to old forms of social warfare."<sup>97</sup>

While the neo-monarchist indictment of democracy might share the revolutionary syndicalist opposition to reformism, it was hardly just to the ordinary workers to say that their nerves have need of powerful excitations, their artistic sensibilities suffer a painful revulsion before all philistinism, against all bourgeois spirit of shop keeping.<sup>98</sup> After the abdication of Sorel and Berth it was yet true for revolutionary syndicalism that the fetish of the representative régime was fought, and that its duty was progressively to reduce the domain of politics to its normal proportions. The syndicalist charter of Amiens remained, for it was more of an historical description than a reflection of the present. It was a view of the future, when the workers' syndicalism would become a general syndicalism and in many ways penetrate the whole of French society.<sup>99</sup> It was the formula which could express the evolution of the real France from authoritative to liberal democracy.<sup>100</sup> The old Liberalism was anti-State too, but syndicalism was a spontaneous revolt against an im-

<sup>97</sup> *Op. cit.*, p. 237. Cf. George Weill, *Histoire du Mouvement Social en France* (1st ed. 1904, 2nd ed. 1911), pp. 378 ff.

<sup>98</sup> Werner Sombart, *Sozialismus und soziale Bewegung* (9th ed. 1920), p. 75; cf. Michel Ralea, *L'Idée de révolution dans les doctrines socialistes: Étude sur l'Évolution de la Tactique Révolutionnaire*, Preface by C. Bouglé (1923), pp. 360-390, chap. II, "Une Renaissance du Voluntarisme Révolutionnaire."

<sup>99</sup> Cf. Jules Sageret, *La doctrine du syndicalisme intellectuel* (1921), pp. 14-36; and G. Tessier, *Le statut légal des employés* (1924).

<sup>100</sup> Lagardelle, "La Critique Syndicaliste de la Démocratie," *L.M.S.*, Feb., 1911, pp. 81-86; also "Les Difficultés du Syndicalisme," *L.M.S.*, September-October, 1912, pp. 161-164, and "Cynisme et Décadence," *L.M.S.*, July-August 1909, pp. 76-80. Cf. R. Michels, *Zur Soziologie des Parteiwesens in der modernen Demokratie* (Leipzig, 1911); Charles Brouilhot, *Le Conflit des doctrines dans l'économie politique contemporaine* (1908); and M. Bourdeaux, *Entre deux servitudes* (1908). The socialist movement of the period is analyzed in the above.

portant administration and government. The revolt against the State by the workers robbed the State of its magic. On the eve of the first general strike in 1909, M. Aulard, historian of the French Revolution, stated that it was the most important social fact which had happened in France since 1789. The decline of the former traditions of authority and parliamentarism and Statism was in France the prelude of a dawn and not a twilight ; and there was a growing force of liberalism because of the elemental conditions of justice to which syndicalism had directed the thought of the free spirit of France which was always a living force.<sup>101</sup>

The autocracy of parties as a hindrance to the workers' development was not less condemned by revolutionary syndicalism than the autocracy of the State.<sup>102</sup> So while syndicalism was less antagonistic to political socialism in France, it is also true that there was a much broader outlook on the function of a workers' party. While M. Vailant could truthfully say at the Saint Quentin Congress in 1911, that "one is always occupied in France with formulas, unfortunately it is a quite French malady with which we are infected,"<sup>103</sup> that Congress set itself primarily to the work of organizing municipal socialism.<sup>104</sup> Nevertheless, M. Compère-Morel in the debates on the Parliamentary report, while recognizing the value of utilizing parliamentary struggles, in a resolution he moved, affirmed that the socialist deputies are the representatives of the party of opposition fundamentally and irreducibly opposed to the whole of the bourgeois class and to the State which is its instrument.<sup>105</sup> The progress of

<sup>101</sup> Cf. Lagardelle, "La Démocratie en France," *L.M.S.*, December, 1912, pp. 321-332, and January, 1913, pp. 13-29.

<sup>102</sup> See Lagardelle's *Review* of Ostrogorski's *La Démocratie et les Partis Politiques* (French edition, 1912), *L.M.S.*, November, 1912, pp. 313-318; the English situation and the Prime Minister's remarks in the House of Commons, April 26, 1911, on parties, is referred to. Cf. R. Michels, "La Composition Aristocratique des Partis," *L.M.S.*, Jan., 1911, pp. 21-33, and February, 1911, pp. 87-97.

<sup>103</sup> *Compte Rendu VIIIe Congrès National du Parti Socialiste*, April 16-19, 1911, p. 318 (pp. 318-336 entire). Municipal socialism as the means of a better standard of life, "according with the principles of social evolution," for all the people, was his plea (p. 336).

<sup>104</sup> *Op. cit.*, pp. 86-92, Report of Municipal Commission and the programme; pp. 442-444 for resolution on programme and tactics for municipal elections; and pp. 250-345, for speeches of MM. Milhaud, Guesde, Lafargue, Compère-Morel, and others on municipal socialism.

<sup>105</sup> *Op. cit.*, p. 209.

ideas and the social significance of the aims of political socialism can be judged in these extended debates. The significance of syndicalism in bringing discussion down to administration is significant. Yet three years before, in 1908, the report of the Committee of 34 on the General Action of the Party.<sup>106</sup> declared that the Socialist party, party of the working class and of the Revolution, pursues the conquest of political power for the emancipation of the proletariat by the destruction of the capitalist régime and the suppression of classes. The campaign manifesto of 1914 appealed to the citizens of France to affirm with the Socialist party the necessity of full social justice—before the defaultings of pretended democrats incapable of any hardy and vigorous reformistic action.<sup>107</sup> The annual conference of the Bourses du Travail and the Federations in 1911 considered mainly the questions of old age pensions, the eight hour day, and the English week.<sup>108</sup> At any rate the gain of 34 members in the Chamber of Deputies between 1910 and 1914<sup>109</sup> indicated that the electoral tactics of the party had not failed to profit from the continued controversy among the ranks of the workers.<sup>110</sup> Political socialism had increased its party strength, if it had not materially raised its prestige with the workers and in the nation at large.

The address of M. Jouhaux, secretary of the C.G.T., at the 1913 Manchester Trade Union Congress was a commentary on the effect of the political movement on French trade unionism. The differences between 1906 and 1913 were made plain. The insurgency of Syndicalism had spent itself. We desire, he said at Manchester, that the

<sup>106</sup> *Ve Congrès Parti Socialiste* (S.F.I.O.), 1908, Toulouse, *Compte Rendu*, pp. 484-485, the Report, made by Jaurès (485-488); see also Jaurès speeches, pp. 81 ff., 311 ff., and the extended one of Lagardelle, pp. 252 ff. Two five-hour speeches on democracy for one Congress.

<sup>107</sup> "Le Parti Socialiste (S.F.I.O.) Manifesto, 1914," *L.M.S.*, March-April, 1914, pp. 215-217; 217-236 campaign documents; and J. B. Severac, "Le Parti Socialiste et les Prochaines Elections Legislatives," *L.M.S.*, January-February, 1914, pp. 39-44, and "Les Elections Legislatives et le Parti Socialiste," May-June, 1914, pp. 319-333.

<sup>108</sup> See "La Conférence des Bourses du Travail et des Fédérations," June 22-24, 1911, *L.M.S.*, July-August, 1911, pp. 124-131.

<sup>109</sup> For the declaration of the Socialist deputies in Chamber of Deputies, June 1, 1914, see *L.M.S.*, May-June, 1914, pp. 387-389.

<sup>110</sup> See *Compte Rendu XIe Congrès National du Parti Socialiste*, Amiens, January 25-28, 1914, pp. 162-241, 269-387, for extended debates of this Congress on electoral tactics, and pp. 424-427 for the text of the resolution on *la tactique électorale* by the Resolutions Committee, offered by Jaurès.

trade unionist shall be a progressive factor in our social status; he has been so trained that, even if he be a passive factor today, he becomes an active factor tomorrow, and our endeavours are directed toward developing in him the principles of direct action. It was recognized that the worker in his task of organization and his struggle to secure rights which properly belong to his class, was moved by diverse aspirations. His action sometimes was wanting in singleness of aim and the spirit of continuity. It lacked logic. Not infrequently it reached a state when between its practice and its theory there was a great gulf fixed. Often he was forced by circumstances to listen to dictates remote from the pretensions of his declared policy of autonomy and independence. His daily practice revealed little rectitude, and to all appearances the general tendency of direct action or syndicalism bore in itself the seeds of its own dissolution, and that the people must recognize the necessity for that permanent delegation of functions and powers represented by the modern State. To appreciate this more allowance must be made for the influential power wielded by institutions of Government and the employing classes. Between the employer class and the State and the wage earner there was a state of war, and so long as victory was for the stronger the workers must see to it that strength should be theirs. Till that end was achieved the proletariat must alternately impose its will and submit to compromise, which, in most cases, would never assume the form of a definite treaty. "Agitation," "Strikes," "Sabotage," "Boycott",—were the weapons of the workers, even the forms themselves of direct action. With each, as with all, it was the worker who decided for himself. So, too, it was by means at his disposal, by his functions and his rôle that he decided the nature of his activities and his method of fighting. But by the method pursued by the Confederation both social and corporate benefits had been obtained for the workers. "Today," he concluded "in a nation of ardent temperaments, more than 600,000 rebels are enrolled under its banner against the existing order of things. Opposed to these are but eight organizations of workers, to whom direct action is unacceptable. This infinitesimal minority apart, it is the method which impels the great mass of our workers. It has welded them into unity; it has created in them a common interest and a common aspiration, which has united and coalesced the men for the final combat—the general strike of expropriation, which will replace in the hands of the workers the in-



struments of production.”<sup>111</sup> This speech may well be kept in mind when M. Jouhaux’s post-war views are given.

### III

#### THE CONTRIBUTION OF SYNDICALISM

The significance of the Syndicalist agitation for this study is in the fact that the revolt which was directed against the politicalizing of the workers by the social services of the state resulted in the French Labour movement being established on a firmer constitutional basis. There is good humour in comparing the high disdain of the syndicalist for paltry politics on one page, then turn to the next and see his endorsement of a six-point legislative programme. The legislative programme seems like a very mild British trade union proposal, in fact, it enumerates demands long since gained by the worker in England. But it only means a larger interest. Then there is M. Jouhaux in 1913 blandly giving the old platitudes of syndicalism, and all the time working through his ordinary trade union machinery. But he uses freely imaginative phrases that would embarrass an English trade union executive. M. Jouhaux, too, could help to frame a peace treaty for Labour,<sup>112</sup> signed by leaders of “proud bourgeois democracies,” whom, cursing as he went down into his grave, M. Sorel saw “syndically triumphant.”<sup>113</sup>

The all-rounded view of syndicalism was early demanded by the leaders who had helped to shape the movement, if the far-reaching effects of its influence in France were to be understood.<sup>114</sup> The ana-

<sup>111</sup> Léon Jouhaux, *Report of the 46th Annual Trade Union Congress*, Manchester, 1913, September 1-6, pp. 257-260.

<sup>112</sup> Cf. Justin Godart, *Les Clauses du Travail dans le Traité de Versailles* (1920); J.-L. Puech, *La Tradition Socialiste en France et la Société des Nations*, with Preface by Charles Gide (1921); Achille Viallate, *L'Impérialisme Économique et les Relations Internationales pendant le dernier Demi-Siècle, 1870-1920* (1923); and Prof. E. Mahaim, *Le Droit International Ouvrier* (1913).

<sup>113</sup> Sorel, *Reflexions sur la Violence*, p. 454, the concluding words of his “plaidoyer pour Lenine.”

<sup>114</sup> Cf. Lagardelle’s reviews of A. Achts’s *Der Modern Französische Syndikalismus* (Jena, 1911), *L.M.S.*, December, 1912, and of L. Levine’s “The Labour Movement in France” (1912, N. Y.), *L.M.S.*, March-April, 1913; W. Y. Elliot, *The Pragmatic Revolt in Politics* (1928). W. R. Dennes, *The Method and Presuppositions of Group Psychology*, and H. W. Schneider, *Making the Fascist State* (1928) (especially chapter IV) are rich in suggestion.

lytical method was not enough, the whole view must be taken. It was not sufficient to dismiss socialist thought as bankrupt and Marxism as "a trap for socialism."<sup>115</sup> Rather the division of social democracy into right and left groups over the question of organization and control was not only a significant demonstration of the inadequacy of that Marxian analysis which resolves all social conflict into a struggle of classes but of all analysis which does that, and from which social action arises.<sup>116</sup>

It is not necessary to stress the anti-social tendencies of the syndicalist glory in the class struggle, for its own literature is full of contradictions on this subject. It is one of the mystical adventures of socialist theory and has no need for dogmatics. But the contribution of syndicalism helped to interpret the new industrial forces which had spread fear and hopelessness in the lives of millions of working people. Syndicalism as a protest is significant because of its freshness in defining anew old hopes. That socialism should gradually change from a class movement into a social movement,<sup>117</sup> is no more remarkable than that all class conscious institutions and all class conscious groups should have forced upon them the futility of this attitude. The genius of resolving social conflict into the antagonism of classes is not a class possession. Syndicalism is made clearer when it is considered as a movement which comes between two historical phases. Whether or not it represents the lively basis of human groups in the future, when political parties, and the socialist party, born only as transitory creations, will be condemned, it does form an indestructible link between that period of history which is just ending and that which lies just beyond the horizon of the people.<sup>118</sup>

The reluctance to give up the Marxian notion that the main

<sup>115</sup> Vladimir G. Simkhovitch, *Marxism Versus Socialism* (1st ed. 1913, 3rd ed. 1923), p. 287, also pp. 185-224; cf. J. S. Nicholson, *The Revival of Marxism* (1920), pp. 35-47, *The State According to Marx*. See *Historical Materialism and the Economics of Karl Marx* (1914), Introduction by A. D. Lindsay; Charles A. Beard, *Cross Currents in Europe Today* (1923), chaps. VI-VIII, pp. 163-181, esp. chap. VIII "Socialism and the Labour Movement"; M. Beer, *op. cit.*, vol. II (1920), p. 202; H. J. Laski *Karl Marx* (1922), and A. D. Lindsay, *Karl Marx's "Capital"* (1926).

<sup>116</sup> Cf. Franklin H. Giddings, *Introduction to Louis Levine's Syndicalism in France* (2nd revised ed. 1914), p. 18.

<sup>117</sup> Montgomery, *op. cit.*, p. 284, "The tendency of modern socialism toward democratization is remarkable."

<sup>118</sup> Louis, *Histoire du Mouvement Syndicaliste en France, 1789-1910* (2nd ed. 1911), p. 282, also pp. 269-282, "La Doctrine du Syndicalisme."

antagonists are labour and capital is a common possession. Syndicalist thought omitted, no less than more conventional propaganda of political groups, a whole-rounded view of national life. The differences which separate political society from economic society exist, but the mistake is to think them far greater than they are.

It is impossible to reverse the laws of psychology and of organization which govern the world, and the continued stress upon the economic and juridical self-sufficiency of the group against the State, necessarily brought revolutionary syndicalism face to face with facts with which it was unprepared to deal.<sup>119</sup> Millerand put too much weight upon state machinery, and the syndicalist opposition was a healthy symptom; yet with all their emphasis upon economic organization the C.G.T. and the Labour movement had a like incompetence for creative organization. But the effort to grapple with the direction of economic interests and to relate them to the national life developed the consciousness of French Labour. It helped to bring to many an understanding of the processes of society. In France it was truer than in England that "for too many citizens socialism is limited to the expression of discontent, the cry of suffering, the half-mystical confidence in the establishment of a new order of things. Its historic foundations, its ineluctable character; its relations with the capitalist system have not always been well known."<sup>120</sup>

That condition was true in 1900 and it was true in 1914, but with the difference that definite problems had been faced in the French trade union world and in the French Parliament during the intervening years. The life of the ordinary worker had been related to large issues. Human life had more meaning. Daily work was more significant. The individual possessed a new worth in the groups to which he belonged, and the State through all the years had to concern itself with the welfare and the happiness of the people. If it were true that the State had been robbed of its magic there was no loss to its real purpose.

The growth of revolutionary syndicalism in France came at a

<sup>119</sup> Cf. Sergio Panunzio, "Le Droit Syndical et la Notion d'Autorité," *L.M.S.*, July-August, 1912, pp. 81-96, No. 2 *op. cit.*, September-October, 1912, pp. 188-198, and his "Syndicalisme et Souveraineté," *L.M.S.*, July-August, 1913, pp. 59-73; also R. Michels, "L'Oligarchie et l'Immunité des Syndicats," January, 1913, pp. 90-96.

<sup>120</sup> Louis, *Histoire du Socialisme Français*, p. 299.

time when the reaction against parliamentary reforms was at its height, the French Labour movement suffering from a bad case of nerves and depression. There was felt to be no hope in the fruitful policy of working class participation in the electoral struggles; that all had been gained that was possible. It was a revolt against the reformistic tendency of the political Labour movement, which had not kept pace with the needs nor led the hopes of the working class. Neither had it freshly stated the contribution to the nation as a whole of the working class. The revolt was against the State, representing the impotency of the political leaders. The incapacity of political parliaments to organize the economic life of nations accounted for the spread of administrative syndicalism and the doctrine of economic organization, demanding a revolt away from State tutelage.<sup>121</sup> The challenge was to the purpose of the State and the power of the State to make its purpose plain. Thus the social basis of this revolt had an equal significance with the economic necessity which compelled many of the freshest minds in the Labour movement to declare that political dry rot was intolerable, and that economic progress made inevitable a realignment of loyalties, the validity of which the State must recognize. Syndicalism at this point made a valuable contribution to the social theory of this century.<sup>122</sup>

The tediously vague polemics about the antagonism between demo-

<sup>121</sup> Cf. Esmein, *op. cit.*, Preface p. xv. Also Thomas-Garrigue Masaryk, *Les Problèmes de la Démocratie*, Preface by M. Albert Thomas (1924), chap. IV, pp. 65-96, "Syndicalisme et Démocratie." Cf. Harold J. Laski, *Authority in the Modern State* (1917), chapter on "Administrative Syndicalism," pp. 321-387. "There is probably no epoch in social history where organized resistance to State decision has not its roots in some deep grievance honestly conceived. . . . It (administrative syndicalism) is not a revolt against society but against the State. It is not a revolt against authority, but a theory of it which is, in fact, equivalent to servitude" (pp. 386-387).

<sup>122</sup> Cf. C. Bouglé *La Sociologie de Proudhon* (1912); his *Chez les Prophètes Socialistes* (1918), pp. 185-246, "Marxisme et Sociologie"; and his Preface to *Proudhon et notre Temps* (1918), a valuable collection of essays by various writers. See also J. A. Estey, *Revolutionary Syndicalism* (1913) and S. P. Orth, *Socialism and Democracy in Europe* (1913). The syndicalist literature is abundant but the following may be noted since the war: Léon Jouhaux, *Le Syndicalisme et la C.G.T.* (1920); Pierre Paraf, *Le Syndicalisme pendant et après la guerre* (2e ed., 1923); Martin Saint-Leon, *Syndicalisme ouvrier et syndicalisme agricole* (1920); Emile Cazalis, *Les positions sociales du syndicalisme ouvrier en France*, with which can be joined M. Valdour Jacques' *L'Ouvrier agricole* (1919) and *La vie ouvrière* (1919); C. Metton, *Un village syndical* (1920); and Pierre Hamp, *La peine des hommes. Les métiers blessés* (5e ed., 1919). See preceding and following chapters for further reference.

cracy and syndicalism really have no meaning, so far as this study can take account of them, for the present concern is to know that in the period men were trying to state more clearly what they conceived the conditions of freedom to be. Democracy is not defeated because men catch only glimpses of its enlarging meaning in human life. But it is helped by every movement which brings more definitely to a place of first importance the individual and his rights within the community, and how in the modern state these rights are related to the freedom of all the people. The syndicate was the basis in the beginning of the industrial life of the worker, and it sought to promote widely his aims and interests. Whether or not revolutionary syndicalism has greatly helped the individual French worker to use his associative freedom more effectively yet remains to be seen. But it is true that the importance of the rank and file of the industrial workers and the collective power of the organized groups are today more widely understood. There is no movement of reform which omits to take account of the worker as he is, and it is impossible for any programme of social consequence to disregard the aspirations of Labour.

It now remains only briefly to suggest the general connection between the Syndicalist position and the public social services rendered by the State. This is of course an important phase of the Labour politics of France, and has had its significance in England. From the beginning of the anti-parliamentary agitation the Syndicalist programme was in part only the demand of the workers for specific reforms, and as such could well be compared with the political activities of the Trade Union Congress in England. One of the most satisfactory results of this reformist tendency has been to bring the industrial and political labour movements in both countries together, and after the legislation has been secured the best argument for a policy of independent or voluntary action, apart from the State, is that social legislation can be nothing more than the basis upon which the workers and employers can proceed. The long debates centring around the status of trade unions and the social insurance measures in France have brought together in common counsel the workers' representatives and the employers' representatives. Social legislation has been a guide to voluntary organization and activity on the part of both workers' and employers' associations.

The effect of applying in legislation democratic doctrines has

been the creation of political and economic ideals, expressing in new forms, with larger meaning, the ancient ideals of justice and liberty.<sup>123</sup> The application of these ideals has been slow, but it has laid the basis for the responsibilities of democracy to be shared by all, and has called to the work of the state the energies and capacities of every citizen. This has insured for the state a sound public opinion upon which it can build more comprehensive schemes of protection and reform; it more surely wins to its allegiance the good-will of the people as they are prepared to accept social responsibility. On the political side there is no better test of the progress of this spirit than in the question of the Budget, which is the State,<sup>124</sup> one has said, and which indicates in every modern society how impossible it is to separate the social movement and the political movement. This is significant in the field of social legislation. All schemes of social insurance, of nationalization and the aid of the State in subsidies, are linked with the Budget, and recent years have seen a development of the theory of the Budget which early or even late nineteenth century chancellors would hardly have believed possible.<sup>125</sup> Yet in no sphere of the State's service to the community has there been a more general acceptance of the principles which underlie its action; it has a social importance which makes it always a lively subject of politics. M. Jèze has succinctly put it: "The budget of expenditures is nothing more than a list of credits demanded by the government and accorded by the political party which has a majority in Parliament for the realization of a certain programme of political action. To deny the *essential* political character of the Budget, seems to me to deny the facts. On the other hand, it is necessary to find the means of paying the expenditures. Here appears the problem of income, of taxation, distribution of charges among individuals. It is a problem essentially political for it concerns itself with knowing *who* pays, in *what measure* of payment, *what manner* of payment. Here appears

<sup>123</sup> Cf. Maurice Hauriou, *Leçons sur le mouvement social* (Paris, 1899), Preface, p. viii, and p. 56.

<sup>124</sup> Cf. M. Compère-Morel, *Pourquoi nous sommes socialistes* (Paris, 1913), p. 449, and all of chap. VII. "Political Concentration," pp. 449-476; this is a volume in the *Encyclopédie Socialiste Syndicale et Coopérative de l'Internationale Ouvrière*, published under the editorship of M. Compère-Morel.

<sup>125</sup> Cf. Bernard Mallet, *British Budgets, 1887-1913* (1914), note "Preface" and *British Budgets, 1913-1914 to 1920-1921* with C. Oswald George (1929); J. Watson Grice, *National and Local Finance* (1910), "Preface" by Sidney Webb.

at the beginning of the political concepts of social justice, true equality, national solidarity." <sup>126</sup>

On the multifold problems of the social adjustment of the Budget and the claims of industrial legislation, the modern democratic States of England and France have had to evolve a democratic theory of solidarity, avoiding the anti-social peril of class exploitation. The intervention of the State has been necessary to equalize the cost of industry and the dangers of progress, of establishing justice in the community, whether it is by balancing the bargaining power of groups or of placing the duty of taxation where it belongs. When the social possibilities for good or evil of the legislative and administrative programme of the State have been more clearly seen, including this problem of equitable taxation, the menace of class legislation and the political power it represents has become less, although the organized political power of Labour, and its combined economic power, have become greater. The fear that the State is to suffer the most disastrous policies of class legislation, resulting in a full denial of faith in organized democracy, has not been justified in the tendencies of the Labour movement in England and France as expressed in parliamentary action. This fear was early expressed by two distinguished writers who saw in the further progress of collectivism the "peril that English legislation may combine disastrously the defects of Socialism with the defects of democratic government," <sup>127</sup> the peculiar structure of which makes the danger more liable in England. <sup>128</sup> Both of these writers under-estimated the capacity for self-criticism in the Labour movements and did not see the tremendous vitality in organized Labour groups. But the alliance of the social movement and the political movement, directing legislation in modern Parliaments, has not proved a corrupting agency in democ-

<sup>126</sup> Gaston Jèze, *Cours de science des finances et de législation financière française* (Paris, 6th ed., 1922); "Preface," p. ii; author's own italics. It is interesting to note Professor Dicey on the Finance (1909-1910) Act, 1910, which he stated, "is a law passed not merely to raise the revenue necessary for meeting the wants of the State, but also for the attainment of social ends dear to collectivists. It sets a precedent for the use of taxation for the promotion of political or social ends." (p. lii). Cp. Sidney Webb, Preface to Grice, *op. cit.*, p. v: "The enforcement of 'the National Minimum' in the conditions of existence without which the nation itself cannot permanently survive," is a first duty for the State.

<sup>127</sup> Dicey, *op. cit.*, p. lxxxvii; also lxxxvii-xciv.

<sup>128</sup> Lowell, *op. cit.*, vol. II, pp. 122 f.; also pp. 519 f.

racy. Revolt in the Labour movement in France and England in the years of this century has shown again that there are deeper resources of change in the working class mind than are to be expressed in political form alone. Distrust of Government must go deeper than fear of the Parliamentary Labour movements in democracy. Political scepticism is equally shared at both ends of the social scale, and for about the same reasons.

The accepted fact of social progress, so far as democratic method goes, has made the social and political and economic movements allies. Now that democracy has had some years to get down to work on the problems which arise when people live together in communities, the thinking behind social reform becomes more evident and more necessary. It has often been crude and immature, shallow and full of mischance, but there has been the serious intention, as Bryce points out, of trying to put democracy to work. In this century when the political force of democratic faith and purpose has had some chance to be expressed in legislation and administration, an unreasonable fear of the consequences on the State and the established institutions has been created. But both in England and France the application of democracy to industrial and social problems has had its classic exposition in the literature of reform and revolt. In England it was Bentham insisting that law and politics were perpetual experiments in promoting "utility" or happiness, and it was Cobbett who held firmly to the view that the only way to control economic change was to speed along political change until it had caught up with the furious pace set by the Industrial Revolution.<sup>129</sup> The Labour movement in France, under German influence, began with a faith in political action, while by 1896 the authoritative word had been spoken at Saint-Mandé and the conquest of political power was the definite goal. The Trade Union leaders in England and the Fabians, as well as the two old parties, have held out for years the programme of legislative and administrative reform by Parliament. Just when an intelligent electorate and a democratic Labour movement are in the process of being instruments of democratic progress there has come a renewed indictment of the will to power on the part of the common people. And it is remarkable that the most sustained attack both from the Labour movement and from the capitalist class against the

<sup>129</sup> Trevelyan, *op. cit.*, p. 187; cf. G. D. H. Cole, *William Cobbett* (1925), and his *Robert Owen* (1925).



State, has been on the incapacity of the State to understand the economics of present-day civilization.<sup>130</sup> The State is both a corrupt and prejudiced defender of things as they are, and at the same time an inefficient blunderer in the field of business. Yet the most severe attack against the State demands political confidence that the economic structure may be rebuilt.<sup>131</sup>

It is difficult to determine just what would satisfy the Labour movement and the industrialists, who in turn call upon the State to redress the balance in the world of economic relationships. In such a circumstance the State can demand honesty from each in intention, and also demand a co-operation that has heretofore only been given in the stress of national emergency. If it is true that the State—the political government—cannot organize the economic life, and that power must pass to the dictatorship of economic organizations, it is a reversion to economic feudalism, as Esméin says, and the hopes and purposes of democracy will certainly be retarded and temporarily defeated.<sup>132</sup> But in France, and in England, there are strong indications that the Labour movement can give great vitality and reality to the political organization of democracy; and there is wisdom surely in directing its enthusiasm for local government and district administration. The human interest there forever prevents the theory of “professional bodies before political bodies,”<sup>133</sup> from gaining control; and in the training of local government there will be the increasingly significant work which individuals and organizations may voluntarily do.

<sup>130</sup> See the *Fabian News*, vol. XXXIV, No. 5, May, 1923, “Germany’s Experiment in an Industrial Parliament,” pp. 18–19, for a characteristic statement of a definite Fabian attitude toward Economic Councils and the fear of them that the political parties have, because of jealousy for their authority; the problem is discussed in relation to English political institutions in H. Finer’s *Representative Government and a Parliament of Industry* (1923). In French may be noted Adolphe Delemer’s *Le bilan de l’étatisme*, with a Preface by M. Jacques Bardoux (1922); Albert Schatz, *L’entreprise gouvernementale* (1922), chap. IV, pp. 103–121, “Administration Decline and the Problem of the Government”; and H. Chardon, *Le pouvoir administratif* (1912). Also Gaston Raphael’s *Walther Rathenau, ses idées et ses projets d’organisation économique* (1919), can be compared profitably with chap. V, pp. 212–257, of Delemer, *op. cit.*, “French Reconstruction and the New Economic Régime.”

<sup>131</sup> Cf. *Le bilan de la XII législature (1919–1924)* (Paris, 1924), pp. xviii–xxx, published by the *Société d’Etudes et d’Informations Économiques*.

<sup>132</sup> Cf. A. Esmein, *Éléments de droit constitutionnel français* (7e ed. 2 vols., 1921, Paris), p. 49.

<sup>133</sup> Cf. Hauriou, *op. cit.*, pp. 616–619.

The insistence of the syndicalists that industrial questions were of primary importance, and that the worker could achieve his aims only as he organized his interests around the power which he has as a producer in the modern community, gave independence to the French Labour movement. The fact that French Labour today is strong enough to demand a larger share of control in the public life of France is in a large measure due to the influence of the syndicalist movement. The essential part of its teachings are today accepted not only by Labour but by the whole national community.

## CHAPTER X

### THE CHIEF DEVELOPMENTS OF THE FRENCH LABOUR MOVEMENT SINCE THE WAR

#### I

#### THE IMMEDIATE POST-WAR PERIOD

This and the following chapter give an account of the political and industrial Labour movement in France since the War so far as their national congresses have elaborated a programme of social legislation and economic policy. The issues are yet unresolved. But the attempt is made to disentangle the main lines of development which are most closely related to this study. It is intended that this chapter will provide illustrative material for the legislative record, taken from the immediate post-war period, from French Socialism's policy and aims, and from the industrial labour programme.

Jean Jaurès, who had brilliantly guided the French Socialist party in Parliament from the beginning of the century, was assassinated in Paris, July 31, 1914. In the Chamber of Deputies, August 4, 1914, M. Paul Deschanel gave the eulogy upon Jaurès as the patriot, and on that same day the members of the Socialist party accepted the call for national unity of M. Poincaré, President of the Republic, unanimously voting for the eighteen projects of law which the Government asked Parliament to grant to carry on the war against Germany. The cabinet of M. René Viviani, which had only been formed in June, 1914 was re-organized on August 26 as a Coalition Cabinet, and included two Socialists, MM. Jules Guesde and Marcel Sembat. Later M. Albert Thomas served as Minister of Munitions in the Briand Government, and these Socialists were the first to serve in a Government since the party was organized in 1905. At the beginning of participation, the Socialist party in their declaration published August 28, 1914, declared that "If it were only a question of readjustment within the Ministry, if it were only a question of

contributing to an old government some of the forces in which our party is so rich; even more if it were only a question of ordinary contributing to an old government some of the forces in which our friends nor of ourselves would have been obtained. It is, however, the future of the nation, the life of France which is the question today. The party has not hesitated." In October, 1915 M. Briand formed his fourth Ministry, being followed in March, 1917 by the fifth Ministry of M. Alexandre Ribot, which in turn gave way to M. Paul Painlevé's Ministry in September, 1917, but in two months, November, 1917, M. Clemenceau came to power and remained in office until the end of the war. The Unified Socialists refused to enter the last three war cabinets, and M. Clemenceau's Cabinet also included no Socialist-Republicans, no Conservative-Republicans and no Monarchists. His administration antagonized the Left, and as the war continued there was a growing unrest among the members of Parliament and among the rank and file of the French working class. The strikes of 1919 and 1920 were an outlet for the war temper.

The industrial labour movement in France supported the war as did the political group in Parliament. The leaders of the *Confédération Générale du Travail*, when war was upon France, in their messages to the French workers interpreted it in terms of the aims of the French working class and international peace. It was a war in which workers could unite to end war, and the May day messages of M. Jouhaux sounded the "militant" hopes of a new world for labour after the war. In France as in England the long years of the war set the people to thinking of what conditions might be after the struggle and what the needs of the nation would be. The syndicalists and the socialists supported the war programme, but there was an increasing intent to define war aims in the larger terms of national, and even international, economic reorganization. The old rhetoric of pre-war resolutions carried the strange burden of working class hopes for a new order of things. This was plainly marked in the Inter-allied Trade Union Congress at London in September, 1917, and February, 1918, and in the General Confederation of Labour Conference at Clermont-Ferrand, December 23, 24, 25, 1917.<sup>1</sup> The

<sup>1</sup> Cf. *Compte Rendu de la Conférence Extraordinaire*, Clermont-Ferrand, 1917, pp. 129-142, speech of M. Jouhaux; pp. 143-151, remarks of MM. Bardy, Dret and Claverie on economic reorganization; and, pp. 152-156, the minority and majority motions of the Conference.

1917 French Conference reflected the new international situation after the Russian Revolution and also the increasing scepticism of national war aims. At the second London Conference in 1918 there was general agreement that Labour should define its aims for the post-war world as a charter for the future, and from the Memorandum presented by the French Labour movement it seemed easy to believe that tremendous changes could and would take place.<sup>2</sup> They aimed at nothing less than a free democracy of the future wherein there was assured every possibility of development, and to them the national and international order was ready for a complete democratization. These sentiments were given their formal setting in the Programme of Minimum Demands adopted by the National Confederal Committee of the C.G.T. in December, 1918, and in the Address presented by the members of this same body to President Wilson, January 13, 1919, on behalf of the workers of France.<sup>3</sup> Their counterpart was the British Labour party's 1918 programme.

The new spirit found expression in the demands of Labour for better conditions of work and for a share in the control of industry, and, even the abolition of the wage system. The National Federation of Agricultural Labourers in 1920, forming a central body by the amalgamation of four agricultural organizations, decided that wages were to be accepted only as for an intermediary stage and as "a kind of anachronism." The fact that today the French agricultural worker is unorganized and his living conditions are of barest decency makes one consider that such statements were divorced from all reality. But a compromise between the moderates and the extremists of the industrial movement was made in the programme of minimum demands of the General Confederation of Labour. Once again they proved their practical politics were better grounded than the Socialist party and kept near to what could be gained in Parliament. This minimum programme is significant because it reveals the post-war French Labour movement, pointing to a new policy of industrial initiative on the part of the C.G.T. and a definite demand for the sharing of control in industry. This demand was for the first time

<sup>2</sup> *La C.G.T. et le Mouvement Syndical*, pp. 133-160, covers the war period and the policy of the C.G.T. down to 1918, giving the Circulars issued just before and during the war, the May Day Circulars and the Memorandum of the French workers at London (1918) Congress.

<sup>3</sup> *Op. cit.*, pp. 172-176, *L'hommage des Travailleurs Français au Président Wilson*.

joined with the conviction that a continuous and rising standard of production was the basis upon which the workers would seek industrial collaboration. The International Labour Office in publishing the minimum programme of the C.G.T. announced that it did so because of its value as an indication of "the development of working class ideas, and of the formulas on which organizations may decide at times to base their actions."<sup>4</sup>

The minimum programme of the French General Confederation of Labour was a direct outcome of the crisis in world affairs following the armistice, and it gave a place of first importance to the problems of peace.<sup>5</sup> It was assumed that in the crisis the workers could and must offer positive action, proving that they were competent to take a hand in directing production in industry. The programme was further interpreted by their belief that it was not sufficient to change the political order by revolution—production must be increased; nor should immediate reforms mean an abdication of the ideal of revolution; on the contrary they were to prepare for the new order, a social transformation which is taken by French writers to be "the revolution." Also the conditions of a just peace were contained in the Fourteen Points of President Wilson, to which the C.G.T. affirmed again their allegiance. A whole international policy was thus announced, depending upon the creation of a League of Nations, the abolition of protective tariffs, the end of economic wars, the creation of an international office of transportation to divide

<sup>4</sup> Cf. Studies and Reports, Series A, No. 19, I.L.O., *The Minimum Programme of the General Confederation of Labour in France* (Geneva, 1921); also in the same Studies and Reports, Series B, No. 8, *A Demand for Workers' Control in France* (1921), which gives text of correspondence between the French Federation of Metal Workers and the Association of Metallurgical Industries in regard to establishment of workers' control in that industry. The minimum programme was published separately as a brochure, and may also be found in *La C.G.T. et le Mouvement Syndical*, pp. 165-171. The practical policies of the C.G.T. in the early post-war period can be seen in two reports issued officially, *Les travailleurs et les assurances sociales* (1923) and the *Rapport Rey sur les assurances sociales* (1923).

<sup>5</sup> See *Compte Rendu Sténographique de la Première Réunion du Comité Confédéral National, C.G.T.*, Paris, December 15-16, 1918, pp. 115-127, discussion of minimum programme. This first meeting of the National Confederal Committee was given the duty by the National Congress of the C.G.T. at Paris, July 15-18, 1918, of revising the statutes of the C.G.T. and drawing up the new constitution. The discussion of this new programme before them (pp. 1-115) shows how skilfully M. Jouhaux was laying the foundation of a new post-war syndicalism.

materials among nations so as best to advance the general welfare of civilization, and, finally, general disarmament. International democracy would then be triumphant. For these reasons and to defend the labour clauses to be inserted in the treaty of peace, the minimum programme demanded the participation of Labour at the peace conference, and also declared the convening of an international labour conference a necessity. It also asked that the constitutional liberties suspended during the war be re-established and that a general amnesty be granted to all political prisoners. Thus, briefly, the post-war French labour world dealt directly with the problems of war.

The economic and social reforms advocated under the "Right of Labour" in the minimum programme are of permanent interest. It demanded that labour be considered no longer a commodity which capital accepted or refused at its pleasure, that the equality of the two sexes be recognized, that an unlimited right of trade union organization, including public servants, be recognized, that the right of the trade unions to intervene in all questions affecting the worker be recognized, and that this include the use of collective bargaining to regulate wages and the conditions of labour under the control of the trade unions. The C. G. T. asked for the eight-hour day in commerce, industry and agriculture, and for the prohibition of night work in bakeries and other trades dangerous and unhealthy, and in any industry in which women, or children of less than eighteen years, are employed. It asked that the compulsory school age be raised to fourteen years. The minimum programme also insisted that property is a trust, held by individuals for the good of society, and that the nation should watch over the exercise of property rights which owe their value to the protection of society, and that the natural resources of the country should be under stringent control. As has been pointed out,<sup>6</sup> an important part of the programme, which in reality marked the difference between this programme and that of the Socialists, was concerned with state control in industry. The C.G.T. recognized that it would not be desirable for the state to extend its industrial activities too far, but that control should be exercised in the industries which still permit the play of initiative and competition. The C.G.T. had too a long tradition of hostility to par-

<sup>6</sup> Cf. B. G. De Montgomery, *op. cit.*, pp. 50-54, and R. L. Buell, *Contemporary French Politics* (1920), chap. VIII. Both are valuable studies for history of events and for competent criticism.

liamentary interference and could not relinquish all at once the hope that social reformation was to come alone through the syndicalist organization of society. But the argument was given that in the production of necessities the state should strictly control the conditions of labour and the division of profits. The state must intervene wherever and whenever private monopoly gains control of raw materials, products or organizations, or where collective property is exploited for the advantage of monopolists. The state must then appropriate it for society, establishing "its social right to collective wealth and to the means of producing or exchanging it." But public monopolies should not be operated by the state without the active and life-giving collaboration of all the interests concerned, and it was here that the C.G.T. could build solidly upon their earlier foundation of the syndicalist co-operative society. They maintained that the utilization of collective property and monopolies should, so far as possible, be taken over by the departments, co-operative societies, by decentralized and autonomous groupings of producers, consumers and government officials. It is here that there is direct contact with the contemporary Guild Socialist movement in England which was seeking a way out of the bureaucratic Socialism of Labour and Liberalism and attempting to give a new direction to the British Labour Movement. Looking back upon that period, Mr. G. D. H. Cole could say that "French Syndicalism was one of the principal ingredients which went to the making of the British doctrine of Guild Socialism."<sup>7</sup> But the general scheme for a return to the nation of the national wealth did not keep the C.G.T. from an acceptance of the immediate reforms which could be obtained from a political Parliament, and they considered it essential to undertake or expand every measure of education, of welfare and insurance; for "the security of the individual was more necessary than the security of things." In consequence nothing was to be neglected by which society promoted the development of intellectual faculties and provided measures of welfare, and there must be protection against alcoholism, against slums, and through means of social insurance against unemployment, sickness, invalidity and old age for all the workers. Approval was expressed with regard to an unified system of social insurance at the cost of the State, and the necessity was

<sup>7</sup> *The Encyclopaedia of the Labour Movement*, vol. III, p. 217.



emphasized for the extension and improvement of the laws relating to safety and health in all kinds of manual industries. Finally the minimum programme of the C.G.T. declared for the abolition of all taxes and duties on the necessities of life, as food, clothing, light and fuel. They declared their programme was a minimum programme, which could and should be immediately realized, and each trade union was asked to make it the basis of their action until it was an achieved fact.

An important part of the minimum programme has been left for a separate treatment, that is, the recommendation of the C.G.T. that in the rapid readjustment from a war to a peace régime of production, that there should be instituted a National Economic Council, supported by Regional Economic Councils, on which the trade unions would be directly represented, and that these bodies would be charged with the duty of working out the general rules of the demobilization and the conditions of economic recovery for France.<sup>8</sup> This marked a turning point in the history of the French Labour movement and defined principles which today dominate the General Confederation of Labour in working out their programme. The minimum programme, and the demand for a National Economic Council, meant, said M. Jouhaux, that in the future the General Federation of Labour demands for organized Labour the place it deserves in the direction and management of national production. The argument of M. Jouhaux was one that could have been made by the French Chamber of Commerce, and it is a most effective illustration of the new tactics of the leader of French labour. Economic re-organization, he said, must have as a basis the uninterrupted development of national or industrial resources and the unlimited extension of general and technical education. Its aim should be to enable all talents to be usefully employed, to endeavour to obtain the utilization of all material resources and the application of all inventions and discoveries, to stimulate private initiative by removing all excuse for, and all acquiescence in, monotonous and deadening routine, and to prevent any voluntary limitation of pro-

<sup>8</sup> See *Compte Rendu Sténographique de la Première Réunion du Comité Confédéral National*, C.G.T., Paris, December 15-16, 1918, pp. 127-130, for the remarks of Jouhaux when he discussed the idea of a national and regional councils, and asked the Committee for a unanimous support before the Government when he put forward the plan of French Labour.

duction and any over-working of the producers, the consequences of which are harmful to production itself. This was an early statement of labour rationalization, and M. Jouhaux declared that the working classes must therefore direct national effort along these lines.<sup>9</sup>

A deputation from the General Confederation of Labour waited upon M. Clemenceau, requesting that a new body might be constituted, which could provide the co-ordination necessary for the economic life of the country. They proposed five classes of members for the National Economic Council: (1) Industrial leaders, representing employers' organizations, (2) Labour leaders, representing workers' organizations, (3) Technical advisers (engineers, etc.), (4) Government delegates, (5) Persons versed in law and economics, capable of expressing the wishes of consumers. The suggested plan of Clemenceau's as set forth in July, 1919 was considered by Labour to be a simple caricature of the idea of a national economic council, and at the Lyons Congress in September, 1919, it was decided that the workers themselves would, in spite of the Government's inactivity, create an Economic Council of Labour<sup>10</sup> (*Conseil Économique du Travail*). This body was set up by the C.G.T. as "an instrument for inquiry into, and preparation for, the part to be played by the workers in the community," so the official statement read, and on January 8, 1920 the inaugural meeting was held under the presidency of Professor Gide.<sup>11</sup> The Economic Labour Council was made up of representatives of the C.G.T., the National Federation of Civil Servants (*Fédération des Fonctionnaires*), the National Federation of Co-operatives (*Fédération Nationale des Co-operatives*),

<sup>9</sup> Cf. Léon Jouhaux, *International Labour Review*, vol. I, 1921, pp. 159-166 "The Economic Labour Council in France."

<sup>10</sup> *Compte Rendu XIVe Congrès Confédération Générale du Travail*, Lyons, 15-21 September, 1919, pp. 288-293, presentation of motion by Jouhaux, pp. 293-302, discussion on C.E.T., and passage by vote of 1,633 to 324. Also *Rapports des Comités Confédéraux et des Commissions au XXe Congrès Corporatif (XIVe de la C.G.T.)*, September 15-21, Lyons, 1919, pp. 49-51 for the *exposé* on the project of the C.G.T. to establish a National Economic Council, and *Rapports des Comités Confédéraux et des Commissions au XXIe Congrès (15e C.G.T.)*, Orléans, September 27-October 2, 1920, pp. 27-31 on activity of C.E.T. from Lyons Congress.

<sup>11</sup> See *Le Conseil Économique du Travail. Son Origine et Sa Constitution* (1921), pp. 13-20, account of this meeting, and address of leaders of constituent organizations. This publication of the C.G.T. contains the essential facts and history of the Economic Labour Council.

and the Trade Union of Technical Workers in Industry, Commerce and Agriculture (*Union Syndicale des Techniciens de l'industrie, du commerce et de l'agriculture (U.S.T.I.C.A.)*). This body was placed under the direction of a committee composed of three delegates from each of the constituent organizations, and the Economic Labour Council itself was divided into nine sections composed of delegates from each of the participating organizations. Each section had two secretaries from among its members, and these secretaries of the nine sections constituted a Committee on the Division of Work, under the general supervision of the administrative committee.<sup>12</sup> The Economic Labour Council in plenary session was composed of some 160 members.

It is well to note the nine divisions into which French industry and labour were separated for study by the French organized labour movement. They were:

- Section I. National Equipment: Transports, posts and motor force.
- Section II. Economic Organization
  - 1. Control and administration
  - 2. National and international economics
- Section III. Industrial Production and raw materials.
- Section IV. Agricultural Production and farm organization.
- Section V. Finance and Credit.
- Section VI. Phases of Social Life
  - Hygiene, urbanism, leisure, education, social insurance.
- Section VII. General and technical education.
- Section VIII. Commerce and Distribution of Wealth.
- Section IX. Devastated Regions.

This indicates plainly the new direction of the General Confederation of Labour after the war, and it marked the beginning of a larger influence for the organized labour movement in France. The words of M. Jouhaux are significant when he said that he believed the establishment of the Economic Labour Council showed that the French

<sup>12</sup> The following Reports were issued by the Economic Labour Council during the brief period of its existence, and they are indicative of the period of 1919-22 in French industry when nationalization was discussed as an immediate post-war problem: *Principes Généraux de la Nationalisation Industrialisée, La Nationalisation des Mines, La Régime du Gaz, La Nationalisation des Chemins de Fer, Rapport de la Commission d'Enquete de C.E.T. dans les Régions Devastées: Un Politique de Reconstruction.*

working class was following high ideals, and "to a greater and greater extent they identify their aspirations with the public good." In reality, he continued, the setting up of the Economic Labour Council meant a new phase in trade union action. It was no longer a question of criticizing; it was a question of realizing ideals. Thus, it was no longer enough to formulate social theories; resolutions which could be realized at once must be passed, and which bore the double character of bettering the workers' lot and preparing for the future. This, it was said, did not mean that Labour could of itself, by making use of its own experience, solve the multitude of complex problems of the present and the future of the world. "But it can—and the Economic Labour Council has at least the merit of having furnished the proof of this—study these problems along with other classes having ideas similar to its own, put its experience and theirs into a common stock, define programmes, formulate schemes. This is preparation for a part, which passes considerably beyond our present limits and which will develop as the work develops. The Economic Labour Council, therefore, satisfies a demand for education. For us, it is a matter to some extent, of giving the workers economic training, of broadening their hopes, which until now have remained too narrowly trade union, of making them capable of understanding the mechanism of modern life, of adapting them to the part which they must play in the re-organized community."<sup>18</sup>

This was the charter of the post-war French Labour movement as it was interpreted by the man who has directed its development from the reverses of the last few years before the war, who spoke for French Labour at the Peace Conference, and who since then has both in France and in Geneva skilfully administered the General Confederation of Labour and been spokesman for it in international labour conferences. The high hopes of the Economic Labour Council were not realized, for the disastrous events of the General Strike in 1920 turned the whole attention of the General Confederation of Labour to its internal affairs, but the fresh approach had been made. French Labour since then has taken an increasing interest in the

<sup>18</sup> *Op. cit.*, p. 166. Cf. M. Jouhaux's speech before the National Confederal Committee, July 21, 1919, where he laid down his thesis that "la révolution économique n'est pas la révolution politique," nor was it an "affaire de verbalisme." This speech together with his article "Projet de Conseil National Économique" were published in 1920 as a brochure by the C.G.T. It is an important statement for the period.

French National Economic Council and the Superior Labour Council. The 1927 General Confederation of Labour Congress at Paris unanimously adopted the report of the committee on the Superior Labour Council, which carried with it the duty of a close attention of representation of the organized labour movement on the Superior Council and a maximum support of this institution.<sup>14</sup> There is no doubt that the great enthusiasm of certain labour leaders for the National Economic Council has changed the whole conception of what such a national council may become,<sup>15</sup> and it is certainly a decided advance in industrial relations in France that organized labour is now definitely committed to the National Economic Council and the Superior Labour Council. There can now be the continuous means of consultation and conference and compromise, and the earlier decisions of 1919 and 1920 directly prepared the way for a larger responsibility in common counsels. This aspect of French Labour's acceptance of a post-war share in collaboration with the Government and with employers' organizations corresponds to the similar development in England of the so-called Mond-Turner Conversations and the setting up of joint committees by the Trade Union Congress, the National Confederation of Employers' Organizations, and the Federation of British Industries. However it is important to note that as yet there is no such common ground for action in France as there is in England between the workers and employers, partly due to inveterate hostility and loose organization of representative interests. The Minister of Labour in his Report for 1928 in England (Sir Arthur Steel-Maitland) said the unorganized employer was an aggravating feature in industrial relations.<sup>16</sup> Already the work of the National Economic Council can be seen to be preparing the way for a closer

<sup>14</sup> Cf. *Compte Rendu Congrès Confédération Générale du Travail*, Paris, July 26-29, 1927, pp. 228-229.

<sup>15</sup> Cf. *Rapports et Documents XXI<sup>e</sup> Congrès National de la C.G.T.*, Paris, 17-20, September, 1929, pp. 47-52, for report of work of the C.N.E., and a vigorous exposition of its place in French industrial life. Also *Le Conseil National Économique, Qu'est-il? Que doit-il être? Qu'en peuvent attendre les Ouvriers?* (1927) issued by the C.G.T. separately as a supplement to *La Voix du Peuple*, March 1927. This provides a brief history of the old National Labour Council and the reasoned arguments for the use by the workers of the National Economic Council. See *La Voix du Peuple*, monthly magazine of the C.G.T., November, 1927, pp. 607-610, for leading article on Government Bill of November 17, 1927 providing for organization and administration of the National Economic Council.

<sup>16</sup> *Cmd.* 3333, 1929, p. 7.

working relationship between the employers' associations of France and the organized labour movement. In fact it is seen also as a means of collaboration with the International Labour Office, the League of Nations and with the various national economic councils which may be established in other countries.<sup>17</sup> M. Jouhaux is himself a member of the Consultative Economic Committee of the League of Nations. In the official programme of the C.G.T. placed before the French voters in 1928 it was pointed out that at the time when the economic functions of the League of Nations were being expanded there should be no question in France of limiting the National Economic Council.<sup>18</sup> Therefore the C.G.T. stood for the extension of the powers of the National Economic Council and that it should be obligated legally to discuss all social and economic Bills before they became law. The financial means should be given to carry this function out in an adequate way, and in doing this necessary work the National Economic Council would be a constitutional liaison between the great national organizations of commerce and labour and Parliament. The C.G.T. also advocated the institution of Regional Economic Councils, and, finally, the assurance that there should be the co-operation of professional organizations in the administration of the functions of the state.

## II

### POST-WAR PROGRAMME OF FRENCH SOCIALISM

Before briefly carrying forward the account of the development of the French industrial labour movement's aims, it is well to give

<sup>17</sup> Cf. *La Classe Ouvrière et la Production* (1929), issued by C.G.T., pp. 3-6, for the resolutions adopted at the Paris Congress of 1929, with reference to industrial and commercial aspects of rationalization and the function of the National Economic Council, and, pp. 34-36 with reference to international economic relations. Cf. *Directives pour la Politique de la Fédération Syndicale Internationale* (Amsterdam, 1929), being the views of the International Federation of Trade Unions on the workers and international economic policy, adopted by the Federation Bureau July, 1929. Mr. W. M. Citrine, England, and M. Léon Jouhaux, France, signed Introduction, being president and vice-president respectively of the Federation. Cf. Léon Jouhaux, *L'Organisation Internationale du Travail* (1921).

<sup>18</sup> *Les Revendications de la Confédération Générale du Travail* (1928), p. 3, referred to later as the *Programme*.

attention to the reforms advocated immediately after the armistice by the French Socialists. The early history of the party and the parliamentary activity down to 1914 illustrated the well-known fact that there is not the unity in the labour movement of France that has characterized the development of the labour movement in England and today is the backbone of its political strength. The Socialist party of France (*Parti Socialiste Section Française de l'Internationale Ouvrière*), referred to by the initials S.F.I.O., is the party which was formally amalgamated in 1905 when the revolutionary party of Guesde (*Parti Socialiste de France*) and the reformist party of Jaurès (*Parti Socialiste Français*) were united, and, save for a small group resigning in 1919, remained a united party until the Communist split at the Tours' Congress in December, 1920. The party has limited itself to political action, though many of its adherents staunchly support the General Confederation of Labour, and the party as a whole is committed to the complete programme of the organized trade union movement. Each branch of the Labour movement, political and industrial, is independent or autonomous; and there is no stable tie connecting the trade union, socialist and co-operative groups and they do not meet except in special definite cases to plan their policy. The long discussion extending from 1920 to 1928 on the national social insurance Bill, and discussion since on its administration has tended to create a more definite policy of joint conference, and M. Jouhaux has appeared before the Parliamentary party to put the claims of the C.G.T. and to co-ordinate industrial and political action.

The British Labour party has been often pointed to by Frenchmen as an example for the French Labour movement, and in the last debate on Socialist participation in the Government the example of Mr. MacDonald accepting the place of a minority leadership was brought forward. But the answer to this was simply that the Government was composed entirely of his party and that it was not a coalition Cabinet at all. There is little prospect of the French Labour movement becoming strongly unified unless the drift toward permanent *blocs* of the Right and the Left more swiftly sets in, and for this reason those who advocated a dissolution of the Parliament after M. Poincaré retired in 1929 had hopes that a more definite alignment of French political thought could be secured. Of course the vote of the Socialist party has nothing to do with the members' card issued

by the party organization, for in 1920 there were 160,000 members' cards issued, yet in the November, 1919, elections nearly 2,000,000 votes were cast for socialist candidates. At the present time there are only 109,892 members' cards, according to 1929 party report; but the British Labour party in 1929 had only 214,970 individual memberships.<sup>19</sup> In 1927 there were in France 3,375 party sections with a membership of 98,892, and in 1928, 3,489 sections with 109,892 members. The membership of the British Labour party totalled 2,077,199 in 1928, made up of 2,025,139 members representing 91 Trade Unions, and 535 Trade Councils and Constituency Labour parties, and 52,062 members representing 7 Socialist and Co-operative Societies, etc. The influence of the Left in the thought of France is a definite and a permanent influence wholly apart from the Socialist party as a political party. Thus there is interest in the social and economic programme of the Unified Socialists drawn up in April, 1919, not only because it is a comprehensive post-war statement but because it represented a compromise between the majority and the minority elements, somewhat like the minimum programme of the C.G.T. with which it has much in common.

The war divided the Socialist ranks and there was no Jaurès to lead the way toward unity. To the natural love of factional disputes was added the Bolshevik propaganda which successfully divided the political and the industrial labour movements just when they needed all of their combined strength to achieve their objectives. But the Unified Socialists adopted in the Paris Congress of April, 1919 a programme which in part was as pontifical as any planned before 1914. The war did not lessen the pompous rhetoric of a *Programme d'Action* and there is justice in the statement of the British Labour leader that in France "romantic programmes and policies have always allured the people."<sup>20</sup> The war, the 1919 programme declared, had proved on all essential points Socialist doctrine and had justified Socialist action. The war proved that socialism was not a utopia, but it was the sole solution for the overwhelming problems which the war produced. It also proved that the class struggle was the fundamental law of society, and there was no safety save

<sup>19</sup> Cf. *Rapports XXVIe Congrès National*, Nancy, June 9-12, 1929, p. 49, and *Report of the 29th Annual Conference of the Labour Party*, Brighton, September 30-October 4, 1929.

<sup>20</sup> J. Ramsay MacDonald, *Socialism: Critical and Constructive* (1929 ed.), p. 74.



in International Socialism. So the social revolution became the final aim of the Socialist world. Such a revolution is nothing more or less than the substitution of a collectivist régime of production, of exchange and consumption for the present economic régime, founded on private property, an economic order which belongs to a period of history which is to pass away. The social revolution would fulfil the work of the French Revolution by effacing the hereditary privileges of property and the hereditary servitudes of labour.

The future would determine whether this revolution should be by the legal transmission of power under the pressure of universal suffrage, or by a movement of force. The Socialist party, it was said, did not confuse revolution with violence, it ardently desired that its victory be accomplished in peace, but the proletariat could not renounce any means of combat which would forward the conquest of political power; the form of the revolution would finally depend upon the nature of the resistance opposed to it. Such a typical formula might as well have been found in any tract from 1880 in French Socialist literature; but fortunately there was work to be done while awaiting the revolution, and the party was urged to continue its effort to reform present society so that the transition to the new social order would be less difficult.<sup>21</sup>

The political programme called for the complete organization of labour, asked for the revision of the Constitution so that it will be based on (1) universal suffrage of both sexes, (2) direct consultation of the people, (3) right of popular initiative, (4) integral proportional representation by regions, (5) a single legislative assembly, (6) administrative decentralization, (7) the incompatibility of the holding of legislative office by heads of public business enterprises affecting the state and the cost of living, (8) creation of economic Chambers to study and organize national and regional production, (9) re-organization on the basis of industrial efficiency of all public services and state monopolies.

The problem of economic reconstruction, discussed in the programme under this heading, allowed opportunity for an indictment of war as an instrument of capitalism and there followed the outline of a post-war policy for France. Asserting that Germany could not pay for the damages inflicted upon France the Socialist party urged

<sup>21</sup> The *Programme d'Action du Parti Socialiste* was published as a separate pamphlet by the party headquarters in 1919 and should be compared with the later party programme adopted in 1927 for the 1928 elections.

that the difference be raised by (1) state seizure of excess profits, (2) conscription of fortunes, (3) a tax on capital and on increasing wealth, (4) the strict collection of income tax, (5) the establishment of new monopolies, (6) state participation in every sufficiently centralized industry, (7) the nationalization of the railway, and all other means of river and land transportation, of the great steel factories, of water power, of refineries, of banks, of insurance, and the manufacture of alcohol. This was a much more inclusive plan of government ownership than the plan which the Radical-Socialist party under M. Herriot advocated. There is much less agitation for nationalization in 1930 than there was in 1920, for there have been lessons taught since then which have proved that public ownership is in itself no cure for many problems of national industry.

Under the heading of "Immediate Reforms" certain principles concerning the place of Labour in the state were set forth. The programme first presented demands, concerning the organization of labour: (1) the suppression of unemployment by means of employment bureaux, (2) increase of social insurance, (3) the protection of the health and security of workmen, (4) the reduction of hours of work, (5) the fixation of a minimum wage based on the normal cost of living, (6) the control of the importation of foreign goods and the equality of wages for the same, (7) the unreserved recognition of trade union liberty. Secondly, the programme made proposals concerning agricultural labour: (1) the extension of laws of industrial labour to agriculture, (2) alleviation of the tenant system, (3) co-operative organization of small proprietors and tenants for production, sale of products, purchase of seed, machinery and insurance. The programme dealt thirdly with problems of social welfare: (1) rigorous protection of mothers and children, by the medical control of children, the creation of nurseries, school sanatoriums, and open-air colonies, (2) the fusion of all education, free and compulsory, under national control, permitting, by a series of selections and specialization, the utilization to the best end of social interest, of the variety of individual aptitudes. Finally the programme dealt with measures concerning the well-being of the workers: (1) the general expropriation of insanitary property, (2) the creation by the communes with the aid of the central government of a public housing service, (3) immediate use of public funds for construction of healthful lodgings, (4) the organization by the departments, the communes and of the co-operatives of a public food service, (5) the

public organization of leisure by sports, theatrical representations, art and culture.

The programme of the Unified Socialist party was declared to be based upon the principle of international organization and world peace. Modern civilization had created among all nations an inescapable solidarity, and the party demanded that the League of Nations be provided with sanctions capable of assuring its authority. It pointed out that especially important were the economic functions of the League in controlling an equitable distribution of raw materials. The programme of 1919 closed with the following typical example of French Socialist rhetoric: "There will be true equality only when the sole recognized distinction between men shall be that of their social value. True justice will exist only when the sole property recognized in men will be that which arises from man's own labour; when the tithe levied by the employer upon the employee shall have disappeared with the form of property of which it is the direct expression. There will only be true harmony when the activity of each man shall be applied to his natural task and the commonwealth of the soil is exploited for the good of all.

"The Socialist party therefore calls upon all workers to assist by their efforts in this beneficent evolution of history. It calls upon them to assist in the work of social regeneration which is its end and object. The general interests of the nations, and those of entire civilization, are indissolubly linked with our own. Heirs to the benefit of every effort of organization which has developed in the world, we must ourselves realize a programme, the accomplishment of which a fallen bourgeoisie and a covetous capitalism would not even dare to attempt."

The policy of reformism was continued in the Congress held in Strasbourg in February, 1920. Violence was repudiated and the attitude of the party with regard to a capital levy, state monopolies for the production of luxuries, financial partnership of the state in all sufficiently centralized enterprises, socialization of railways, shipping, mines, water-power, banks and insurance was reaffirmed in the resolution dealing with the *politique intérieure*.<sup>22</sup> But at this time

<sup>22</sup> *Compte Rendu 17e Congrès National*, Strasbourg, 1920, pp. 562-564. For resolution on international policy, pp. 564-567; the remarks and speeches of MM. Cachin, Frossard, Longuet, Loriot, Renaudel, Lefebvre, and others are indexed. The Communists out-talked the Congress by a good measure.

the influence of the Red *Internationale* at Moscow was plainly seen, and there was every reason to expect another disruption in the ranks of French Socialism. At the Strasbourg Congress three views were represented with regard to the international policy of the French Socialist party. First the view of the old majority that membership should be retained in the old International; the second view, held by the new majority, under Jean Longuet, for adhesion to the old International provided that it moved toward the Left; and the third view, that of the advanced group who were for membership in the Third or the Red International of Moscow. By a vote on an indecisive motion the old majority won out by 894 against 757, yet 270 votes were cast at the Strasbourg Congress for the Lorient motion for membership in the Third International. Between the Strasbourg Congress in February 1920 of the party and the December Congress in Tours of the same year, the Bolsheviks won over a majority of the party. The faction under the leadership of Cachin and Frossard, who had gone to Moscow in 1920, won out in the Tours Congress when they moved a resolution in favour of the Red International, which was carried by 3,208 votes to 1,022. This Congress split the Socialist party and it marked the formation of the French Communist party (*Parti Socialiste, Section Française de l'Internationale Communiste*). Since that date the enmity has continued with unabated feeling, though there are indications that the high mark of Communist influence in the ranks of French workers has been passed. The Communist vote slightly increased in 1928 over 1924 but their Parliamentary representation fell from 29 to 14.

The Cachin-Frossard resolution at the 1920 Tours Congress declared for the direction of the proletariat of the world by the Communist International, and in a series of *Thèses* set out the dogma of revolutionary labour action.<sup>28</sup> This elaboration in 1920 gave no new interpretation to the theory of the dictatorship of the proletariat, the absolute denial of the state as anything but a servant of the dominant class, and Parliament as an essential bourgeois machine of oppression, incompatible with the proletarian régime, *la République des Conseils de Travailleurs*. The syndicate was the first necessity of working class organization, the basis of the militant movement which would make real the social revolution, and thus a

<sup>28</sup> *Compte Rendu, 18e Congrès National, Tours, December 24-25, 1920, pp. 563-595, for resolutions of this Congress.*

familiar note of pre-war syndicalism was heard again in French labour. But even to the Communist party peace was the first essential of carrying out a policy of international solidarity, and so the first duty of the proletariat was to force the bourgeois governments of the world to make peace with the United Republics of Soviet Russia. This naturally led to the statement that the international policy of the proletariat was to be based on the policy of the Communist *Internationale*. It was not sufficient to give accord to the general principles of Marxian socialism, but the authority of the practical revolutionists of Moscow must be the guide in laying down the tactics for proletarian revolt. Experience had shown that the collaboration of communists and reformists was incompatible with revolutionary action.

The policy of participation in a responsible Government by accepting membership in the Cabinet has been steadily rejected by the Socialist party, in spite of the fact that there has been since 1924 several excellent opportunities for effective collaboration. Immediately after the defeat of M. Poincaré and the *Bloc National* by the *Cartel des Gauches* in 1924, the Socialist party decided not to enter the Government but to support M. Herriot's Radical-Socialist Cabinet.<sup>24</sup> M. Herriot, in return, pledged his Government to an aggressive domestic policy which included a general amnesty law, reinstatement of the railwaymen who had been dismissed for striking, the abolition of the Vatican Embassy, the strict enforcement of the Separation Law with regard to religious associations, certain important measures of fiscal reform and social insurance, enforcement of the eight hour law and all trade union rights, and the reduction of the period of military service to one year. In fact the carrying out of a Liberal programme first brought M. Herriot's Government his parliamentary opposition. He stirred many old enmities.

The Grenoble Socialist Congress of February 1925 was called upon to review the results of eight months of co-operation with the Government, and, secondly, to decide whether it was to be continued or not. The opponents of participation had severely criticized the

<sup>24</sup> See *Rapports XXIIe Congrès National*, February 8-12, 1925, Grenoble pp. 28-30, letter of M. Herriot for the Radical Socialist party outlining his policy, and pp. 31-32 the reply of the Socialist party; only four votes were against the policy of support outlined in the letter.

Socialist deputies for serving the Government too well, but it was seen that leaders like MM. Léon Blum, Renaudel and Compère-Morel had carried through a good part of the programme of the Socialist party. It was, as the Parliamentary party's report to the Grenoble Congress said, a political policy which was without precedent in the history of the party.<sup>25</sup> They were participating but not collaborating with the Government of the Radical Socialists, by giving their votes to the Left majority. There were particular measures which Socialist deputies were especially helpful in presenting, and this was instanced in the Wheat Control Bill which passed the Chamber of Deputies, and in the promise of M. Herriot to push on with the new military law and the national social insurance Bill. But the Left Wing were anxious to prove that the party was not getting what it should in return for their support of the Government, and they were insistent that the policy of the Government was not the policy of the Socialist party. This was obvious, for it was a different thing entirely to put a Bill through Parliament and to give a promise of it in an electoral programme. M. Léon Blum, the leader of the party, who is now strongly opposed to participation in a Government of the Left majority, made the chief speech of defence of the policy of co-operation in 1925. To those who criticized the lack of differentiation between the Socialists' policy and that of the Government he replied that the more successful their policy was the less it showed, because that meant that the Government had adopted it. He denied the servility of the party to the Government wishes, saying that whole weeks sometimes passed without his ever seeing M. Herriot in private. A sharp departure from the policy of support, now that they had started it and accustomed the working classes to it, would be dangerous, because they would necessarily leave a mass of stragglers and luggage behind. He doubted whether the British Labour party's tactics of crushing Liberalism between the reactionary and Labour groups would succeed in France. M. Blum asked for a unanimous vote. He was followed by M. Jean Longuet, Karl Marx's grandson, who attacked M. Herriot foreign policy, especially toward Germany, and pleaded for a more active and separate Socialist propaganda.

The vote of the Congress of Grenoble was in favour of the continued support of the votes of the Socialist deputies for the Herriot

<sup>25</sup> *Op. cit.*, pp. 99-103, Report of Socialist Group in Parliament.

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Government. The majority resolution by which the Socialist Congress conveyed its decision to support the Government marked the conditions of the support significantly.<sup>26</sup> The resolution insisted on the connection of the party with its origins. It did not give up "its traditional and necessary position as a class party." The attitude of the party toward the practical policy of the Government left no doubt that in matters of social policy the Government were to be pressed, as it had always been, but more insistently. Measures against the high cost of living, the army re-organization scheme, and the national insurance Bill were part of the programme of effective action which had been included in the resolution authorizing support. The resolution meant that the party would strongly direct attention to its social policy and that the Government would be expected to act upon it. However the resolution did not include any mention to matters of social policy which the Radical-Socialist could not have favoured.

The Grenoble Congress implied that M. Herriot would have difficulties ahead in both foreign and domestic affairs. His Government was to fall because the Chamber of Deputies with growing impatience seemed unwilling to allow strong executive policy, and it is true to say that the Socialist party has done nothing to strengthen the cause of constitutional government in France by a helpful, vigorous policy of parliamentary co-operation. In fact in October, 1929 the Government of M. Briand fell when the Socialists combined with the Right and the Communists and voted against his Government. The party for ten years has allowed this question to dominate its parliamentary history. It seems to have the fascination of theological disputes for French Socialists.

The post-war political developments of France have given a place of first importance in the Socialist party to the problem of participation. A coalition has been the necessary condition for the Left forming a Government at all, for in the Parliament elected in 1919 the Radical party accustomed to power in the years before the war found itself in the minority groups. The coalition of the Sacred

<sup>26</sup> See *Rapports XXIIIe Congrès National*, Clermont-Ferrand, May 23-26, 1926, pp. 10-13, for this resolution, and pp. 16-31, for the various resolutions refusing participation during the crises of 1925-1926: the National Council, April 14-15, 1925, National Congress Extraordinary, August 15-18, 1925, National Council, November 1-2, 1925, and National Congress Extraordinary, January 10-11, 1926.

Union (*Union Sacrée*) formed in 1914 as a war measure, continued through the Viviani, Briand, Ribot and Painlevé Cabinets; during 1917 personal antagonism became too strong for a coalition, and the Clemenceau Cabinet finished the war and negotiated the peace without the collaboration of the Socialists. The memory of that period still rankles. The 1919 elections belong to the war period just as the 1918 general election in England. The formation of the *Bloc National Républicain* marked the beginning of the bourgeois coalition against the Socialists. The time was opportune for the forces of conservatism to unite, so a coalition was formed by combining the middle groups, Right and Left Centre, into the *Bloc National*. This was a combination of all Republican groups (Moderate Republicans, Left-Centre, and Moderate Democrats), against the Unified Socialists. The general election of 1919 gave a victory to this combination of parties, though the working of the new electoral law of 1919 did not serve to make the Socialists feel that they had their just representation.<sup>27</sup> The lesson of the 1919 elections was taken to heart by the parties of the Left, and though for five years the conservative coalition held fairly well together, in 1924 at the general election the *Bloc National* was faced by an organized combination of the parties of the Left, a *Cartel des Gauches*. The fact that in 1919 the *Bloc National* won 366 seats while the Radicals and the Socialists won 244, led directly to a working arrangement between the parties of the Left. In nearly all the departments of France the 1924 elections found the forces of the parties of the Left united in a single electoral label, the *Cartel des Gauches*.

This combination of the parties of the Left included the Radicals, the Radical-Socialists, the Republican Socialists and the Unified Socialists; the whole of the effective opposition to the *Bloc National* except the extreme Left wing, the Communists pursuing the tactics of obstruction in the parliamentary system. The nation had partially recovered from the war years and had grown restive under the leadership of the *Bloc National* which was not so closely united as in 1919 and the popular appeal to the country was not as effective. The *Cartel des Gauches* won the election of 1924 and M. Herriot, the leader of the Radical-Socialists became prime minister. After the elections of 1924 the Chamber of Deputies with a membership of 565 was divided in party strength as follows:—

<sup>27</sup> Cf. Esmein, *op. cit.*, pp. 223-273.



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<i>Groups</i>	<i>Representation</i>
Radical and Radical Socialists	136
Republican-Democratic Union	100
Socialist	95
Republican Socialist	40
Radical Left	39
Republican-Democratic Left	34
Left Republicans	34
Communists	28
Democratic	14
Independent Left	13
Belonging to no group	32

The financial troubles of France proved the undoing of the *Cartel des Gauches*. The Government of Herriot gave way in April 1925 to that of Painlevé, who also relied upon the Left; but the continued fall of the franc forced him out of office, and in July, 1926, after M. Briand had been prime minister from November, 1925 to June, 1926, and M. Herriot had attempted for two days to govern, M. Poincaré formed his National Union Government. This was a coalition Government made up of Conservatives and Radical Socialists, primarily committed to the one task of establishing firmly the economic security of France. The four Radical Socialist members of the Poincaré Cabinet was forced to resign office when their party congress declined to authorize further collaboration in October, 1927, and from then until the 1928 elections M. Poincaré depended upon a majority of the Centre and the Right.

The Herriot Government marked a well defined turning point in the politics of post-war France. Its first strength was shown in forcing from the office of President of the Republic M. Millerand who was thought to have interfered in party politics and thus violated the neutral position he was bound by the constitution to maintain. M. Millerand spoke in December, 1924 at the banquet of the *Ligue Républicaine Nationale*, which was held to be nothing more than the *Bloc National* repudiated by the voters, and his address was quickly followed by a rejoinder from the executive committee of the Radical and Radical-Socialist party. The committee declared that he had violated his pledge as president, and therefore held up to the reprobation of Republicans "the man who, after betraying all his doctrines and all his friends, has become today the banner-bearer of reaction, and is trying in order to gratify his spite, to disturb the work of external peace and internal restoration." Millerand was forced to

resign as President but the days of the Herriot Government were numbered.

It is significant of the times in France that the Herriot Government, supported by the Socialists as it was, though they did not accept places in the Cabinet, was likewise menaced by a too aggressive domestic policy. The Liberal programme of the Radical Socialists was not then what a French Parliament wanted, nor was it an opportunity the country favoured, beset by difficulties of post-war economic adjustment. But the Herriot Government in its brief period of power did succeed in re-directing the foreign policy of France and in beginning the pacification of Europe by a policy of conciliation between France and Germany. But there was a failure to re-establish the control of Parliament by the parties of the Left, for the Socialists in 1925 declined to participate in the Government of M. Briand. However M. Herriot raised in his brief time the whole temper of French national life and ended definitely the first post-war period. He has left on record from that time an important statement of his view of the problem of the control of government by economic units. "It would be a very grave error," he said in 1924, "to let political policy be ruled by autocratic economics—a tendency unhappily observable in many countries. We see at this very moment in France today a group called the *Union des Intérêts Economiques* which has raised a considerable sum for fighting the parties of the Left. *The day when economics dominates politics will mark the end of democracy.* Democracy presupposes a moral and a reasonable system of continuous arbitration between individual citizens. If economic interests should succeed in securing a dominion Marx would be right. The democratic "balance" would then be destroyed, to give place to a permanent social conflict. The class spirit of the capitalists would then quite justify the class spirit of the workers. Materialism and economic fatalism would emerge triumphant over the idealism which is the foundation of democracy."<sup>28</sup>

But it was the Government of M. Poincaré from July, 1926 which gave the French people the authentic command of leadership in the financial crisis of the country. His first Cabinet contained six former prime ministers and by his great endurance M. Poincaré directed the French Parliament as perhaps no other prime minister of the

<sup>28</sup> See his article in *Foreign Affairs*, vol. II, No. 4 (June, 1924, pp. 558-570, "The Programme of Liberal France" (his italics).

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Third Republic has done. And thus when the time of the 1928 elections came the issue was a simple one of being for or against Poincaré, a fact which has created a good deal of trouble since he retired in July, 1929 and was succeeded by M. Briand. The elections of that year divided the 612 deputies into the following party alignments:

<i>Right</i>	
Conservatives	18
Republican-Democratic Union	158
<i>Centre</i>	
Left Republicans	93
Radical Republicans	61
<i>Left</i>	
Radical Socialists	117
Republican Socialists	45
Socialists	101
Communist	14
Socialist Communist	2

Though the Socialist representation fell from 101 to 68 when the 1914 and 1919 elections are compared, the party polled 300,000 more votes in 1919 than in 1914; the vote in 1914 was 1,400,000, and in 1919 it was 1,700,000. The Socialist vote in 1914 was 16 per cent. of the total vote, in 1919 it was 25 per cent., and in 1924 the *Cartel des Gauches* by combining the Left political strength of France gained control of Parliament. In the elections of 1919, 1924 and 1928 the vote of the Socialist party was approximately the same, and the seats won in these years were 68, 95 and 101. The total vote of the *Cartel des Gauches* in 1924 was 545, 107, 2, and in that year the Communists polled a million votes and won 28 seats, and polling in 1928 a vote of 1,064,000 their representation in Parliament fell to 14. The tendency of the French electorate is difficult to define in the three elections of 1919, 1924 and 1928, but there is a statistical basis for saying that these elections indicate a general movement toward Socialism, but rather of the Centre than the extreme Left. Out of the 9,351,000 votes polled in 1928, over one-half were polled by the parties of the Left, the total being 4,827,000. The Socialists (S.F.I.O.) received 1,698,000, the Radical Socialists, 1,655,000, the Republican Socialists, 410,000, and the Communists, 1,064,000. And out of 297,000 scattered votes, the Independent Socialists were represented by 58,000 votes and the Socialist-Communists by 24,000; the remaining representing 78,000 Conservatives, and 137,000 in-

dependent and non-classified. If there were a working basis of agreement between the parties of the Left once again the control of the Chamber of Deputies would be secured for them. There is no doubt that France has consistently tended to the Left throughout the twentieth century.

There is no way to sketch what has been termed the "topographical" position of French political parties. The official groups in the Chamber of Deputies have varied since 1919 to the present time from ten to seven, and there is always the likelihood that both the labels of groups and their number will change. The broad classification of Lord Bryce serves today, taking French political groups (always to be distinguished from parties) as sub-divisions of four types of political opinion—first, the Monarchists; secondly, the Moderate Republicans (sometimes called Liberals); thirdly, the advanced Republicans, cherishing the traditions of the First Revolution; and lastly, the Socialists, whose professed aim is an economic reconstruction of society. Within this broad classification groups from time to time dissolve, unite or re-form, but they are sure to be different from year to year.<sup>29</sup>

The Tardieu Government formed in November, 1929 whose Ministerial policy was accepted by a vote of confidence of 332 votes against 253 illustrates this point, and is given.

Deputies	Groups	For	Against
29	<i>Action démocratique et sociale</i>	29	
18	<i>Démocrates populaires</i>	18	
100	<i>Union républicaine démocratique</i>	100	
65	<i>Républicains de gauche</i>	65	
17	<i>Gauche sociale et radicale</i>	13	1
52	<i>Gauche radicale</i>	44	2
16	<i>Indépendants de gauche</i>	7	7
20	<i>Républicains socialistes</i>	10	8
12	<i>Républicains socialistes français</i>		12
117	<i>Radicaux et radicaux-socialistes</i>	3	109
101	<i>Socialistes</i>		101
11	<i>Communistes</i>		11
45	<i>Députés indépendants</i>	38	3
5	<i>Non inscrits</i>	5	
608		332	253
(23	Deputies absent)		

<sup>29</sup> Cf. Bryce, *Modern Democracies*, vol. I, pp. 252-253; Lowell, *Governments and Parties in Continental Europe*, vol. I, pp. 104-142; and Sait, Chapter X.

The time has long been considered ripe in France for party consolidation, and there are not lacking signs that the great divisions of the Right and the Left are now becoming more established. Leaders have often spoken of the futility and incoherence of Parliament for any prolonged enterprise of reform. Jean Jaurès gave utterance to an accepted fact when he said that Parliament suffers from "its ambiguous parties and fluctuating programme, its confused and hesitating majorities." M. André Tardieu, on September 15, 1929, while still Minister of Commerce, bitterly complained in a speech at Delle, that those who dared to act in France were invariably the object of suspicion and insults. This tendency was rendered worse, he said, by the water-tight character of the parties, "which fight one another on minor questions with the poisoned weapons of pessimism. In the process they lose sight of the world problems that matter and weaken their own capability for dealing with them." M. Poincaré has often criticized the method of parliamentary organization in France and the power given to committees because the executive could not do the one thing that was necessary, that is, govern. This criticism within Parliament has helped to speed the well-defined tendency for all the parties except the extremists (*Action Française* and the Communists) to coalesce into two opposing *blocs*. This tendency has been rudely forced along by the events in France since the elections of 1928, and it is likely that the elections of 1932 will help to resolve the problem by giving the country a straight choice of issues. The question of party collaboration is important both in France and England, for twice the Labour party in England has accepted the responsibility of forming a Government without a parliamentary majority. There is the advantage which the Labour party in England has of practically forcing a general election, but it is not likely that the English people will accept frequent elections as a substitute for responsible party government.

When M. Poincaré resigned in July, 1929, his place was taken by M. Briand who carried on with not a single change in the Cabinet until October, 1929, when on a mere question of procedure the Socialists joined with the Right and defeated his Government. After the longest crisis in French parliamentary history, and after unsuccessful efforts by M. Daladier, leader of the Radical Socialist party, and M. Clementel, a Radical Senator, M. André Tardieu formed a Government in November, 1929. He offered six Cabinet posts to

the Radical Socialists, but the Parliamentary party by a vote of 46 against 28 refused to authorize collaboration. M. Tardieu then quickly turned to the Right and put before the Chamber of Deputies his Government, telling them on November 8, in his Ministerial address, "when nobody is master there is no way out but collaboration, whether you call it concentration or anything else."

It is significant that the Parliamentary party of the S.F.I.O. gave their approval of collaboration with M. Daladier by a vote of 36 to 12, and, if this had been followed by authorization of the Socialist National Council, for the first time—except during the war—Socialist Ministers would have collaborated with a French Government on the basis of joint responsibility. But by a vote of 1,590 to 1,451 the offer of participation by M. Daladier was refused and the tradition of non-co-operation was affirmed. The programme of M. Daladier was laid before the Socialists and in all important points it was a duplication of their own as well as a full acceptance of the industrial programme of the French General Confederation of Labour. The acceptance by the Socialist deputies of the principle of collaboration and the close vote in the National Council indicate that there is a strong tendency in the French Socialist party which favours collaboration with the Radical Socialists. However it is the view of M. Léon Blum, present leader of the party, that the duty of the Socialists is to concentrate upon the one objective of winning the elections of 1932 and being able to form then a Government of their own independent of the other parliamentary parties.<sup>80</sup> This view he claims is supported by the example of the British Labour party; but a study of the electoral position of his party in France and the additional fact that the labour movement is sharply divided into an industrial and a political section, and that the Communist party is polling over a million votes, changes substantially the French and the English analogy. However the policy of M. Blum was supported by the Unified Socialist party in the special Conference called at Paris, January 25–26, 1930. The party decided by 2,000 votes to 1,507 against the principle of participation in a Coalition Government.

<sup>80</sup> See especially *Le Populaire*, Dec. 11, 12, 13, 14 and 17, 1929, for articles of MM. Blum, Zyromski, Levy and Deat, all non-participationists. Also Léon Blum and Paul Fauré, *Le Parti Socialiste et la Participation Ministérielle* (1926) being their addresses before the National Extraordinary Congress, January 10, 1926.

The Radical Socialist party have again and again declared their willingness to attempt the constitution of a union of all the parties of the Left on a practical democratic programme. The resolution by the Committee on General Policy, issued in October, 1929, declared the party would remain in firm opposition as long as any Government was supported by a majority of the Right. M. Daladier at the first sitting of the Radical-Socialist Congress on October 24, 1929, at Rheims, immediately following the fall of the Briand Government, stated that since the Government had been unable to prolong the equivocal situation by which a Right majority was called upon to approve a Left foreign policy (M. Briand's policy), it was the duty of all democratic parties to shoulder the responsibility of power. "It is up to these parties to constitute a Government that will have the support of all Republican elements. If through their fault, through their party bickerings, these elements allow the Government of the country to slip into the hands of their adversaries, they will incur the severe censure of French democracy." It was this challenge which led to M. Daladier being asked to form a Government, and, following his failure and that of his party, the opposition of the Radical Socialists to the Tardieu Government is a consistent principle to be acted upon. The Socialist party is of course in opposition to M. Tardieu's Government.

The Radical Socialist party, like the Socialist party, accepts the industrial programme of the C.G.T. and its policy and that of the Socialist party are much alike on the important social questions. The Radical Socialists are for large tax reductions and an equitable redistribution of taxes, the carrying out of a policy of conciliation with Germany and of a European Federation, arbitration and disarmament, combined with strong support of the League of Nations, an amnesty for "crimes of opinion," the re-organization of the National Economic Council, the reform of the state with trade union co-operation, safeguarding the position of agriculture, the maintenance of the laws of laicity, and extension of the school system and the encouragement of popular adult education. It is thus seen that so far as the Radical Socialists are concerned there is no insuperable barrier between them and co-operation of the parties of the Left, except that the Radical Socialists are resolute partisans of private property and the opponents of socialization of the means of production. But neither of these questions are now within the scope

of French practical politics and they constitute more of a dogma than a determined policy of socialism today: .

The programme of the French Socialists with regard to social legislation is briefly given now to summarize their position in the French world of Labour. It is based, like that of the Radical Socialists, upon the more concrete industrial programme of the French General Confederation of Labour, which both parties accept and support in Parliament. At the present time there are 15 representatives of the party in the Senate and 101 in the Chamber of Deputies. The Senate group is not so closely disciplined as the parliamentary group in the Chamber of Deputies, but their report to the party at the Toulouse Congress in 1928 declared that their action had been effective in a great many instances. This was instanced in the national insurance Bill, the Budget, and all measures to which the party and the C.G.T. had especially directed their attention. It was also their opinion that the party representation in the Senate should be as strong as it possibly could be until the change in the Constitution established a different parliamentary régime.<sup>81</sup> The fact that M. Léon Blum chose to be elected to the Senate indicates that it had attractions for this trained parliamentarian of the French Socialists. The deputies in the French Parliament are divided in eight Study Groups as follows, political, social, agricultural, economic, financial, national education, national defence, and international.<sup>82</sup> The work of these groups is directed by a general *rapporteur*, assisted by special *rapporteurs*, and the parliamentary measures go before the groups which will present the party policy in the Chamber of Deputies. There is also a weekly meeting of the Parliamentary party.

The party was handicapped for a few years following the successful Communist revolt at the Tours Congress in 1920 by losing phys-

<sup>81</sup> Cf. *Rapports XXVe Congrès National*, May 26-30, 1928, Toulouse, pp. 65-66.

<sup>82</sup> Cf. *Rapports XXVIe Congrès National*, June 9-12, 1929, Nancy, pp. 109-130, Report of Parliamentary party to Congress (June 1, 1928-March 31, 1929), giving detail of votes, motions, and party policy. The Socialist group in Parliament have decided upon a policy to translate into Bills and resolutions the concrete proposals of their party, and thus always to present an alternative to the Government Bill. This duty is upon these study groups, so announced M. Vincent Auriol, secretary general of the Parliamentary Socialist party, in his Introduction to the series *L'Action socialiste au Parlement* (1929), of which *Pour les paysans*, dealing with agriculture was first studied, to be followed by *Pour les réformes sociales* and *Pour la juste répartition des impôts*.



ical equipment, its paper *L'Humanité*, and by a general period of disorganization in all of the branches and federations. The relations of the party to the Communists and the Radical Socialists, and the ever recurring problem of participation in a coalition majority of the Left to form a Government, have taken up a great deal of the time of the various congresses and the meetings of the National Council since 1920.<sup>83</sup> The elections of 1924 and 1928 have helped to direct the new organization of the Socialists, and the settlement of the problems of French finance—national and international—arising out of the war has made it possible to conduct political controversy on a new basis. National issues are being discussed more. The Grenoble Congress of 1925 adopted a municipal programme for socialism which was elaborated by the National Council in its meeting of February 2–3, 1929.<sup>84</sup> There is at the present time in French Socialism a contest between the various leaders similar to the Revisionist controversy of the first years of the century in which Jaurès was the leader. The influence of the British Labour party on continental policy is plain here, for the example of MacDonald taking office in 1924 and 1929 has had its lessons for the French Socialists.<sup>85</sup>

The programme today of the French Socialists is based upon the same theory of a class party and the necessity of a social revolution

<sup>83</sup> See *Rapports XIXe Congrès National, S.F.I.O.*, Paris, October 29–November 1, 1921, pp. 3–9, for Report of M. Paul Fauré, Secretary General of the Party, on difficulties of party, and, pp. 24–30, Communist and Socialist communications, pp. 90–93, Report of Socialist deputies by M. Léon Blum, and pp. 94–156 detailed account of record in Parliament in this post-war period. Cf. Reports of M. Fauré in the *Rapports* to the Marseille Congress (1924), pp. 3–4, and Parliamentary Group, pp. 89–1227; Grenoble Congress (1925), pp. 3–6, and Parliamentary Group, pp. 99–174; Clermont-Ferrand Congress (1926), pp. 3–5, and Parliamentary Group declaration on policy given by M. Blum, pp. 10–13. These Congresses of 1925 and 1926 seem definitely to indicate a recovery from the post-war disruption, and mark the changes which came when participation was abandoned with the Left majority.

<sup>84</sup> Cf. *Rapports XXIIIe Congrès National, S.F.I.O.*, Clermont-Ferrand, May 23–26, 1926, pp. 7–9, and *Le Programme municipal*, a separate party pamphlet, and most recent electoral manifesto for municipal elections of 1929, *Rapports XXVIIe Congrès National, S.F.I.O.*, June 9–12, Nancy, 1929, pp. 14–16.

<sup>85</sup> Indicated in M. Léon Blum's articles in the daily *Le Populaire*; and *La Vie Socialiste* (edited by Pierre Renaudel) for participation, and *La Bataille Socialiste*, representing anti-participationists—Fauré, Severac, Zyromski.

which was elaborated in 1919 and which has been reproduced in the election appeals of 1924 and 1928, and the senatorial elections of 1929.<sup>86</sup> The part of the programme dealing with political and constitutional questions still places in the front rank the need of the referendum as a means of correcting and re-enforcing the traditional conception of parliamentarism. French Socialism is faithful to the parliamentary régime, but it also is committed to the abolition of the Senate eventually and an immediate curtailment of its powers. The programme cites the policy of the Senate in obstructing and delaying social legislation as being the reasons for the demand of a single chamber. The extension of the powers of the National Economic Council is advocated, and these it would extend by making it obligatory that all parliamentary Bills of an economic order be discussed by the Council. Finally under constitutional questions, the objectives include the civil and political equality of the sexes, the adoption of the principle of proportional representation, and a general amnesty for all those convicted of political crimes.

One is always struck with the difference in a French Socialist manifesto between the statement of party philosophy concerning the social revolution and the legislative detail of reforms which are immediately demanded. This is as true in 1930 as it was in 1880. The claims which are here given seem nothing more than the accepted standards of social legislation in all advanced industrial nations. They are: (1) Employment of children under 14 to be forbidden in all industrial and commercial establishments; (2) Limitation of the maximum duration of work to eight hours a day or 48 hours a week; (3) Right of all salaried workers to a paid annual holiday which is not to be made up by supplementary hours; (4) Complete revision of the Act of 1898 on accidents to workers and the extension of the law to include all industrial diseases; (5) Participation of the personnel in the drawing up of the rules of workshop and all commercial and industrial enterprises; (6) Re-organization of the labour inspectorate, increasing the number of inspectors and creation of workers' delegates whose duty is to oversee the application of

<sup>86</sup> See *Le Programme d'action immédiate du Parti Socialiste*, voted by the *Congrès extraordinaire de Paris (Decembre 1927)* (1928), and *La Vie Socialiste*, No. 159, October, 1929, pp. 6-7, the manifesto of the party for the senatorial elections of 1929. Cf. *Le Populaire*, December 20, 1929, Resolution by Parliamentary Socialist Deputies, following Conference on Social Insurance Act with M. Jouhaux.

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laws on work, security and hygiene; (7) Ratification of all conventions adopted by the International Labour Conferences without conditions and reservations; (8) Extension of the rights of trade union organization to all workers of the state, departments and communes; (9) Institution of social insurance to protect the worker and his family in case of sickness, child-birth, invalidity, old age, death and unemployment, the state sharing responsibility by a large financial participation; (10) Development of the principle of collective agreements; (11) Revision of the Act of Seamen's Sickness and Welfare Funds. This is a programme which certainly does not demand a social revolution to carry out.

The French Socialists have attempted in recent years to reach the agricultural labourer and like the British Labour party have drawn up an official policy with regard to agriculture. The farm labourer in France constitutes a much larger percentage of the working population as a whole than in England, and this fact has influenced the C.G.T. to adopt an official agricultural policy for the French agricultural labourer. The Socialists include in their programme the following objectives: (1) The establishment of a National Grain Office to protect the consumer against the cost of living and to safeguard the producer against national and international speculation; (2) The immediate adoption of a programme having for its object the improvement of the soil (drainage, irrigation, clearance, etc.); (3) Development of water power, to be nationalized and put to the use of the producers' co-operative societies; (4) Large estates to be divided, by friendly measures if possible, but if necessary by legal means of compulsion; (5) Agricultural education to be developed, organized in a practical method of demonstration schools for boys and girls; (6) Extension and development, with the collaboration of the public powers of the agricultural trade unions, mutual aid societies and co-operatives; (7) Extension of Agricultural Credit Funds; (8) Reduced tariffs on agricultural supplies of all kinds; (9) Application of all social legislation and welfare Acts to agricultural workers; (10) Establishment of a minimum wage for farm workers, to be fixed by the trade unions of workers and employers together with the municipalities; (11) Organization of employment agencies under the municipal authority for agricultural workers; (12) A normal working day to be instituted; (13) Creation of Arbitration Commissions; (14) Institution of the principle of a

variable lease (*bail mobile*) dependent upon the harvest, weather conditions and price of farm products.<sup>87</sup>

The programme regarding hygiene, assistance and social welfare in general follows the familiar line of demanding a large increase in the social services dealing with child life and welfare, the creation of comprehensive public health services for the whole of the French population and a vigorous health policy of prevention combined with assistance, with which is to be considered an active policy with regard to housing. The same insistence upon a national policy on education which would offer opportunities from the earliest grades to university training, which was adopted in 1919, is found in the latest appeal of the Socialist party. But in this field again their activity cannot equal the programme of the industrial movement in this regard, yet it is significant that both the industrial and political labour movement are giving increasing attention to the problems of education for the young, and are also attempting to encourage the movement for adult education.<sup>88</sup>

In common with all political parties since the war the French Socialists have emphasized the necessity of the economic and political organization of peace. The influence of M. Albert Thomas, director of the International Labour Office, M. Léon Jouhaux, secretary of the C.G.T., and Geneva representative of French Labour, and M. Paul-Boncour, French delegate at Geneva, have been marked since 1920 upon the political and the industrial labour movements of France. The Congress debates of both the Socialist party and the C.G.T. amply justify this statement; and it has been an important factor in the policy of reconciliation with Germany: the fact that French organized Labour would support an active policy of economic and political accord.<sup>89</sup> From 1919 there has been support of the

<sup>87</sup> The fuller programme with regard to agriculture is given in *Pour les paysans* (1929), representing the organized parliamentary effort of the party and its study group dealing with agriculture in the Chamber of Deputies. This brochure first of series, *L'Action socialiste au Parlement*.

<sup>88</sup> Cf. Ludovic Zoretti, *L'Éducation Nationale et le Mouvement Ouvrier en France* (1923?), one of the most satisfactory surveys published by the S.F.I.O. and by a leader in the movement. See *La Bataille Socialiste*, April, 1929, for articles by Zoretti, "L'éducation et l'organisation économique de la classe ouvrière," and Marceau Pivert, "Les problèmes de l'éducation," prepared for Socialist Congress at Nancy in 1929.

<sup>89</sup> The Grenoble Congress of 1925 approved Report of M. Gaston Lévy on the international economic situation, and the resolutions of this Congress supporting the League of Nations and the International Labour Office as the basis

League of Nations, the use of arbitration in all international disputes, the policy of disarmament, and the active collaboration of the French Government in the work of the International Labour Office.

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for world peace, together with Report is published as separate brochure, *La socialisme et les relations économiques internationales* (1925). See *Compte Rendu XXIV<sup>e</sup> Congrès National S.F.I.O.*, Lyons, April 17-20, 1927, pp. 13-33, for debate on party's permission to M. Paul-Boncour accepting a place on the delegation to Geneva from France: also *Rapports XXV<sup>e</sup> Congrès National, S.F.I.O.*, Nancy, June 9-12, 1929, pp. 99-108, for Report of French delegates to the Labour and Socialist International at Brussels in 1928 (Bracke).

## CHAPTER XI

### THE INDUSTRIAL LABOUR MOVEMENT

That French Socialism is hopelessly confused need hardly be suggested, and it is well now to end this survey of Labour in post-war France with consideration of the industrial Labour movement. It is well known that the most distinctive feature of the French Labour movement is syndicalism, represented in the *Confédération Générale du Travail*. The C.G.T. in 1914 had approximately 500,000 members, and in 1919 at the Lyons Congress 2,125 workers organizations, numbering 1,200,000 members, were represented by 1,200 delegates. This Congress is a landmark in the history of trade unionism in France, not only because the working class had never before been represented in such large numbers at any Labour Congress, but also, as outlined above, the principles of post-war syndicalism were laid down in a comprehensive way. This Congress declared the aim of Labour to be complete supremacy, "the other factors of society are only subordinate or parasitic." Syndicalists claimed the whole political as well as economic power of society. They could not use the *bourgeois* state or adopt parliamentary methods; but they aimed at the control of society by Labour because economic not political conditions were the fundamental concern of men. They demanded the socialization of transport, mines, water-power and banks, as the Socialists did, but the state was not to be the agent of control, but rather the independent groups of workers, wherein producers as well as consumers would be represented.

The resolution of the majority group reaffirmed the Amiens Charter, which is the classic statement of the revolutionary aim as incompatible with existing institutions, with capitalism and its political expression.<sup>1</sup> The immediate aims of the C.G.T. were stated

<sup>1</sup> Cf. *Compte Rendu XXe Congrès National Corporatif (XIVe de la C.G.T.)*, Lyons, September 15-21, 1919, pp. 253-257, for resolution, pp. 260-262, minority resolution offered by M. Coron; pp. 169-189, Merrheim's strong defence of the majority position, and pp. 190-227, opposition speeches of Sirolle and Dumoulin; pp. 227-252, Jouhaux on the resolution.

to include control of commerce and industry and the industrialized nationalization of vital industries. The work of the International Labour Office in its endeavour to secure legislation for the protection of the worker was endorsed. The resolution further expressed the indignation of the congress against the French Government, stating that it was "the servile tool of reaction all over the world." Complete solidarity with the Russian revolution was pledged and the need for continual agitation for the total restoration of peace, the independence of the Soviet Republics, and free self-government in Russia. The closing paragraph of the majority resolution was as follows: "For these reasons the congress declares that the constitutional basis of the C.G.T., the principles of autonomy which it has hitherto maintained, and its methods of action, are in strict accordance with the present needs of the struggle, with the improvements to be realized and with the revolutionary powers to be attained. The C.G.T. proclaims once more before the whole world its ideal of economic liberation by the abolition of the wage system."

The Lyons Congress of 1919 confirmed the Amiens Charter of Syndicalism, in what is known as the *Déclaration de Lyon*, declaring anew that the organized working class movement built upon the syndicate, depending upon economic action, was the means of bringing about the total transformation of society. The incapacity of the political leaders was said to be manifest, and it was necessary for the working class to assume their responsibility in the control of society. This long resolution covered all the familiar ground of revolutionary syndicalism, but the minority opposition polled 324 votes against the majority vote of 1,633, with 43 abstentions. The fight between the extremists and the moderates was under way, and at the next Orléans Congress in 1920 the discussion revolved about the methods and policies of the organization interpreted by these opposing elements. M.M. Jouhaux and Merrheim led the moderates, and M.M. Frossard and Cachin, editor of *L'Humanité*, led the extremists. The debates of the C.G.T. congresses of 1919, 1920 and 1921 were dominated by this question, and were paralleled by the similar debates of the Socialist party. The extremists were working upon each organization. The Orleans Congress vote on the resolutions supporting the policy of M. Jouhaux against that of the minority was 1,515

votes to 552, with 83 abstentions.<sup>2</sup> Co-operation with the Socialist party was rejected and affiliation with the Moscow International. Following this congress the minority formed a Revolutionary Syndicalist Committee which was closely affiliated with the Moscow International, and it was this group which the National Committee in February, 1921 voted to expel from the Confederation.

The 1920 Congress attracted a great deal of attention, partly due to the disastrous general strike in 1920, called by the Left Wing, which completely failed, and partly because the Government had watched closely the leaders of the C.G.T. In fact in January, 1921 the dissolution of the C.G.T. was ordered, and this led to the reconstruction of the organization.<sup>3</sup> The argument for direct action, to which Sorel and his school gave literary attractiveness, met with great reverses in the failure of the May First celebration in 1919, and the failure of the 1920 strike movement. Since 1920 it has been necessary to restate the aims and re-organize the industrial Labour movement.

The comment of *Le Temps* on the 1920 congress is an indication of a certain phase of post-war thought in France. "In spite of the victory of Longuet and his branch of the party, the C.G.T. remains today, as it was yesterday, a formidable organization for social war. Furthermore, the entire programme of syndical demands is there to show that the C.G.T. will renounce nothing of its revolutionary ideals; the nationalization of essential industries and means of exchange, the control by working-men of industry and commerce so as to wrest from employers their authority, the suppression of salaries,

<sup>2</sup> *Compte Rendu XXIIe Congrès National Corporatif (XVe de la C.G.T.)*, Orléans, September 27–October 2, 1920, pp. 403–406, minority resolution, pp. 406–415, concluding speech of Jouhaux, offering majority resolution (413–415), after Bouët's offering of minority resolution (393–402). The chief speeches were Verdier, pp. 296–315, Girault, pp. 315–320, Sirolle, pp. 321–335, for minority; and Rey, pp. 339–348, and Merrheim, pp. 360–393, for majority, the latter a two-session reply to Frossard, pp. 348–360. The Russian Revolution had opened wide the flood gates of French oratory, and the speeches were long discourses on socialist philosophy and the tactics of the social revolution.

<sup>3</sup> See *Rapport Moral* to the Lille Congress, pp. 16–26, for this period, and the full statement to the congress by the confederal bureau printed separately, *La Crise du Syndicalisme et l'Action de la C.G.T.* (1921), especially pp. 8–25. The official journal *La Voix du Peuple* should be used for the period, and the periodical literature is fully used in an able article by Anice L. Whitney, *U.S. Monthly Labour Review*, vol. XII, February, 1921.



and complete solidarity with the Russian revolution—such are the essential points of a programme which is considered as a thing to be put into immediate realization. It is very difficult to understand why after all Moscow repudiates the C.G.T. since the latter is striving by its own means, which are not the least dangerous, to prepare the way for the brutal realization of the dictatorship of the proletariat.” But, *L’Humanité*, the Communist daily, rejoiced that the highest official of the Socialist party, M. Frossard, not only spoke there in the congress, but spoke in the name of the revolutionary minority, showing, the paper said, that in the future “revolutionary socialism will refuse to efface itself before ‘reformist’ trade-unionism.” It was plain that the extremists were determined to control both the political and the industrial movements.

The annual congress of the C.G.T. met in July, 1921 at Lille, the date being advanced from September, as the confederal bureau announced, because the situation within the labour organizations brought about by Bolshevik propaganda had to be considered. United syndical action had become impossible. The opponents on the outside said that the confederal bureau merely wanted to bring about the immediate separation of the two parties within the C.G.T. The majority resolution reaffirmed the general principles laid down in the Amiens Charter, which all succeeding congresses have passed and which maintains that syndicalist action has for its purpose the abolishing of all classes, abolition of the wage system, and control by the workers of social activity. The minimum programme of the C.G.T. therefore was stated to be reconstruction of the devastated areas, industrialized nationalization of the great public utilities, social insurance, labour control, resistance to efforts of employers to reduce wages and increase hours, all in line with the Charter of Amiens which declared that syndicalism ought to work for the increased well-being of the workers by the realization of immediate improvement in their condition. The adherence of the C.G.T. to the Amsterdam International was maintained.

The “revolutionary” resolution of the minority party stated that it was essential that the C.G.T. should return to the principle of revolutionary syndicalism which was expected of it by the militant syndicalist. The resolution quoted the Amiens Charter, indorsing direct action as a means for bringing about immediate betterment of workers while stating that the ultimate aim is capitalist expropri-

ation, and urged that the Congress of Lille should go on record as condemning collaboration of classes, declaring that in the pre-revolutionary period the principal role of syndicalism is to present consistent opposition to the forces of capitalism. The resolution further stated that syndicalism is by its origin, its character, and its ideals a revolutionary force, and that it ought to represent "the maximum effort of the trade unions to destroy the capitalist régime and to realize the proletarian revolution." The resolution maintained that the C.G.T. should withdraw from the Amsterdam International and give its adherence to the Red Trade Union International.<sup>4</sup> There was increasing opposition to the League of Nations and the International Labour Office from the minority speakers who considered these agencies as supporters of the capitalist system and enemies of the revolutionary worker. This argument each year was reviewed by Jouhaux.

The majority resolution passed by a vote of 1,572 against 1,325 votes for the minority resolution. This congress showed that there was a decided swing to the Left in French trade union sentiment. It was seen that a break must come in the General Confederation of Labour, and when in September, 1921 the National Committee of the C.G.T. expelled all members who were found guilty of working for the disintegration of the syndicalist movement, the way was open for the revolt of the Left wing. Accordingly a congress of the extremists was held in Paris, December 22-24, 1921, at which time the National Committee of the C.G.T. was condemned, and a number of important syndicates and federations of syndicates declared themselves independent. In February, 1922, at Saint Etienne the extremists formed a new Confederation under the name of the *Confédération Générale du Travail Unitaire (C.G.T.U.)* with a membership estimated at 350,000. Thus the industrial Labour movement in France was divided in the same way as the Socialists, the political movement. This Confederation affiliated with the Red (Moscow) Trade Union International, and has down to the present time kept the same form of confederal organization as the old C.G.T.

The split in the industrial labour movement and the failure of

<sup>4</sup> *Compte Rendu XXIIe Congrès National Corporatif (XVI de la C.G.T.)*, Lille, July 25-30, 1921, pp. 292-295, the majority and minority resolutions. The debate on *L'orientation du syndicalisme* continued; note Verdier, pp. 209-219, Merrheim, pp. 220-241, Monmousseau, pp. 242-254, Dumoulin, pp. 254-265, and Jouhaux, pp. 280-291.

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the general strike in 1920 was a serious blow to the C.G.T. It was necessary from the Congress of Lille in 1921 to re-organize the French industrial labour movement. This was done, and during 1922 the National Confederal Committee set itself to the task of directing the attention of the Confederation to the problems of the workers. It was decided by this National Committee that national action should be centred upon the eight hour day, social insurance, wages, and housing. At a meeting in October, 1922 a resolution was passed which said "The National Committee considers that the affiliated organizations must show a close and constant interest in the Social Insurance Bill now before Parliament and that necessary propaganda should be carried on to secure the incorporation in the Bill of the amendments recommended by the C.G.T." This same meeting repeated the declaration of the National Committee on the morrow of the schism declaring that the C.G.T., whose policy was based upon the Amiens Charter, was open to all workers without distinction of opinion; the only condition imposed was that the rules of the Confederation and the decisions of the congresses were to be observed. Without this guarantee it was said that the unity of the Labour movement was impossible.

The first general congress of the C.G.T. after the Lille Congress in 1921 was held in Paris, January 30–February 2, 1923, attended by delegates of 1,296 syndicates. The question of labour unity, which had been debated since the extremists seceded in December, 1921, forming the C.G.T.U., came before the congress. A letter from the executive committee of the C.G.T.U. expressed the desire of this organization for syndical unity and for unity of action. The letter proposed that a confederal committee composed of delegates from the two organizations should be called for the purpose of considering a programme of national and international action. While waiting for the actual co-ordination of the syndical organizations the committee of the C.G.T.U. advocated common action against the menace of war by all syndical organizations favouring the class struggle. The committee to which this proposition was referred for consideration decided upon a categorical refusal of the demand for unity upon the basis of the C.G.T.U. proposals because of their adherence to the Moscow International. The committee believed however that it was possible to secure fundamental unity within regularly confederated syndicates, the syndicates retaining all their rights on the

condition that the decisions of the national congress should be respected. After long debate the congress adopted a resolution in practical agreement with the committee, basing its refusal to call a joint meeting of the two organizations on the fact that since the C.G.T. was the central organization of the labour movement any steps should take place within the C.G.T. itself.<sup>5</sup>

The agenda of the 1923 Congress was as follows: (1) The situation of the working class in face of economic reaction: (a) Defence of eight-hour day, (b) Monopolies; (c) Trade Union rights of civil servants; (2) Social Insurance; (3) Economic Re-organization; (a) Economic Labour Council; (b) Workers' Control; (c) Trade Chambers; (d) Employment Exchanges; (e) Foreign labour in France. At the Paris Congress M. Jouhaux asked that a new system be followed, which was unanimously agreed to, that of putting in the form of committee resolutions, contrary to the French custom, the questions of economic policy.<sup>6</sup> Thus the Congress was divided into eight Committees as follows: (1) Constitution, Budget and Membership; (2) Eight-hour day, wages and cost of living, wages' tax, family allowances; (3) Defence and re-organization of monopolies, and Syndical rights of *fonctionnaires*; (4) National Economic Council, Nationalized industry, Workers' Control; (5) Apprenticeship and Trade Chambers (*Chambres de Métiers*); (6) Employment Exchanges and Foreign Labour; (7) Social Insurance; (8) Other questions.

The committee on the eight-hour day presented a unanimous report which the congress was asked to adopt without discussion. The resolution urged the united action of all syndicates to oppose efforts to abolish the eight-hour day, which, it stated, had been openly attacked, and was in danger of being set aside for a long period of time unless the working class should intensify by every means the propaganda in favour of it. As one means of accomplishing this result workers everywhere were urged to stop work whenever attempts against it were imposed. An amendment insisting that the eight-hour day fulfils all the needs of national and international production was accepted and the resolution was adopted unanimously.

<sup>5</sup> *Compte Rendu XXIIe Congrès National Corporatif (XVIIe de la C.G.T.)*, Paris, pp. 40-52, 59-69, letters of two organizations, and congress debate on unity.

<sup>6</sup> *Op. cit.*, pp. 195-206, organization of congress committees, and pp. 103-170 for reports and discussion on committees' work.

The congress also went on record as opposed to the transfer of state monopolies such as transportation services, posts, telegraphs and telephones, arsenals, etc., to private industry, and declared for the policy of "industrialized nationalization," which was first advocated by the Economic Labour Council of the C.G.T. shortly after the formation of the Council in 1920. It was decided to intensify the campaign for nationalization and to endeavour to obtain financial control of management immediately in all public services in order that modern methods of accounting might be instituted and political influence eliminated. A resolution was also introduced protesting against Government refusal to recognize the right of Government employees to belong to trade unions.

The problem of placement of workers was declared by the congress to be intimately connected with that of foreign labour and that no solution of the latter problem could be expected without a methodical and rational organization of the French labour market. The establishment of a system of closely associated employment offices under a national bureau was advocated, these offices to be under the direction of persons qualified in the scientific placement of workers.

Since the war the custom of paying family allowances had grown rapidly in France and a special study of this question had been carried out by the C.G.T. The 1923 congress considered at length this question, deciding to oppose the practice of paying family allowances on the ground that the extra allowance affects the basic wage and gives the employer an unfair advantage. In spite of this fact, however, the C.G.T. believed that while the nation should be concerned with childhood and the family, this should properly be the concern of society and not of the employer. To secure this protection to the family a scheme of social insurance covering the allowances for and care of children was outlined, to which the employers should be compelled to contribute but which should be managed by official committees composed of representatives of the different interests. There has been strong opposition from the trade unions in England to the introduction of the system of family allowances, advocated by the Independent Labour party, and the 1928 and 1929 and 1930 Trade Union Congress considered unfavourably the proposal.

The 1923 congress advocated in the matter of workers' control, labour and trade union direction of hiring and dismissal ; trade union

agreements concerning wages, hours of labour, discipline, and all other questions relating to the industry or trade concerned; the application of social laws and the rights of labour which have been juridically established by usage. The congress favoured a social insurance system which would provide old age, sickness, invalidity, and maternity insurance, all of which are now a part of the national insurance system, and it also considered that unemployment insurance should be included. It was proposed that social insurance should be one of the principal claims of the working class and that constant propaganda should be carried out until the law was passed. A comprehensive system of apprenticeship was drawn up providing for the extension of compulsory school attendance to 14 years of age, modification of the primary education programme and the subjects of study relating to industry, agriculture and commerce.

Such a programme would strike the English worker as on the whole a conservative one, and he would not find much opposition from the employers in putting directly into effect such a social policy. It was not in 1923 the well-rounded programme in industry of the British Labour movement, for there was not the long years of social legislation and effective trade union organization behind the demands. It remains a mystery why every French programme must have the repeated phrases of the "social revolution," but it was a hopeful sign in 1923 that the French Labour movement was facing the problems of industry with a determined will to understand them and to work out a scheme of reform and control. This new spirit was manifest in 1923, and it has had a larger expression in the C.G.T. national congresses of 1925, 1927 and 1929.

The Paris Congress of 1925 of the General Confederation of Labour was attended by 800 delegates, representing 1,802 syndicates, 37 national Federations and 85 departmental unions. It began a new epoch in the history of the C.G.T.<sup>1</sup> The programme of the congress called for the consideration of the following questions: wages, covering methods of payment, bonuses, gratuities, family allowances, etc.; social legislation, including social insurance, eight-hour day, workmen's compensation, and labour inspection; foreign

<sup>1</sup> Cf. *La C.G.T. et le Mouvement Syndical*, the official history published in 1925 gives an excellent history from 1918-1925 of the C.G.T. together with all resolutions of the Congresses, pp. 162-304, and the account of the 1925 celebration of 30 years history of the C.G.T.

labour in France; a unified school system; workers' control; vacations with pay; and various questions relating to trade union organization.

The question was once again put forward of union with the C.G.T.U. Letters from the executive committee of the C.G.T.U. which were read to the congress urged the holding of a joint conference for the purpose of bringing about the union of the two organizations. The debate upon the question brought out no new facts, and the committee to which the proposition for a joint congress was referred offered a resolution stating that the only way that trade union unity could be achieved was through the return of the Communist branch of the C.G.T., that the adherence of this branch to the Moscow International had subordinated the trade union movement to a political party and that there was as yet no evidence that the C.G.T.U. had abandoned its attempt to destroy the labour movement. This unity motion was voted by 1,631 syndicates with votes amounting to 3,956, against 118 syndicates with a combined vote of 365; and there were 23 syndicates with 72 votes not voting.<sup>8</sup>

The economic programme adopted by the General Confederation of Labour in the form of committee resolutions at the Congress of Paris in 1925 differed very little from that just outlined at the Lille Congress in 1923. The report of the committee on vacations with pay for workers was unanimously adopted, and this report stated that paid vacations were indispensable for the physical and moral health of all workers. A resolution relative to compensation for industrial accidents and occupational diseases advocated the following amendments to the law on accidents: Extension of the Act of 1898 to cover all wage earners; no exemption for accidents due to natural forces or other causes; increases in compensation for serious accidents and in the payments made to orphans and other heirs in case of death; vocational re-education by the insurer of workers obliged to change their occupation as a result of accident; application of the law to all industrial diseases. Special consideration was also demanded for workers who had suffered industrial injury before the law went into effect and for the workers whose compensation had been computed on a lower wage scale. In the matter of social in-

<sup>8</sup> *Compte Rendu XXIVe Congrès National Corporatif (XVIIIe de la C.G.T.)*, Paris, August 26-29, 1925, pp. 21-49, 65-88, 89-104 (Jouhaux), pp. 164-167, motion. Reports of Committees on economic programme, pp. 116-197.

surance (M. Rey *rapporteur*) the congress advocated extension of compulsory insurance to all wage earners without regard to the amount of their wages, elimination of payment of premiums by those earning small wages, establishment of a minimum pension corresponding to the cost of living for the transition period before the law becomes fully effective, continuation of payments to those pensioned because of old age, and other recommendations relative to the administration of the pension funds. The congress also voted for the protection of women and children through better medical and surgical care and payment of maternity and nursing allowances.

The new spirit in French Labour was manifest in the resolutions dealing with sport and in the attention given to the question of workers' education. The educational system of France reflects the many changes which have characterized her national existence, for instance the monarchical creations like the *Collège de France*, the Revolutionary *Ecole Normale Supérieure* and the institutions of the Third Republic like the new universities. It has been a demand of French Labour that the whole system of national education be re-organized. The 1925 C.G.T. congress declared that the present system of education in France was inadequate for the children of the workers. An entire re-organization of the educational system so that children of labouring people would have an opportunity to secure a higher education and so that there would be a general levelling up of the scale of culture of the entire working class was recommended. This demand is again referred to in the 1927 and 1929 congresses and is elaborated below.

The congress of 1925 declared that, although no fixed rule should be established in regard to wages, the lowest rates of the least skilled workers should amount to a sum sufficient to satisfy all the needs of a family living in a civilized society. This minimum wage should be established by the National Economic Council and by the regional councils, and a system should be set up by which wages generally should be adjusted to the changes in the cost of living. Again the principle of equal pay for men and women for equal work was indorsed by the C.G.T. Other resolutions passed by the congress included one advocating the re-organization of the labour inspectorate, the appointment of workers' delegates designated by the trade unions to report infractions of rules by employers, more rigid application of the eight-hour law, establishment of trade



union control in employment and dismissal in trade union agreements affecting wages, hours of labour, and all other questions relating to the industry or trade, and in the application of social law and labour rights which have been juridically established by usage.

The Paris Congresses of 1927 and 1929 of the General Confederation of Labour indicated that the movement was once again taking a firm leadership in the direction of the French Labour movement.<sup>9</sup> The range of subjects under discussion at the congresses revealed too that industrial France had recovered from the immediate effects of the war years, and that a period of prosperity was expected. In their manifesto of 1927 and 1928, which is unchanged at present, the basis is laid in the co-ordinated productive activity of the country, through which, the manifesto declared, France would arrive at a genuinely sound situation and one which would make possible the growth of national and individual resources. The workers' movement, it said, was ready to lend its assistance, on condition that it is recognized that the application of the formula "maximum output in minimum time for maximum wages" shall be followed by a series of measures which are set forth in the programme. In the first place it is necessary that there should be a development of collective agreements, and as a result, the complete recognition of freedom of association, which, it was said, is too often disregarded. The 1929 congress passed a resolution urging that collective agreements be put into force, declaring that agreements between groups of workers and employers should increase the moral strength of the organized working class, limit the omnipotence of the employers in its most arbitrary and humiliating aspects, and prepare the way for the introduction of control by the workers. This resolution was in line with the C.G.T. Programme, which declares that without workers' control there can be no real change in the moral and material conditions of production. The control must be such as to enable workers to take part in all necessary disciplinary measures and to ensure guarantees of justice in carrying out of the rules established by workers and employers in collaboration. In formulating this claim, the Confederation

<sup>9</sup> Cf. *Compte Rendu Congrès National Corporatif (XIXe de la C.G.T.)*, Paris, July 26-29, 1927, pp. 189-258 for Reports and discussion, and *Rapports et Documents XXe Congrès National de la C.G.T.*, Paris, September 17-20, 1929, pp. 20-53, 76-95, which covers the economic programme of the Confederation; and *La Voix du Peuple*, September, 1929, pp. 637-670, for 1929 Congress, also *La Vie Socialiste*, September 28, 1929.

does not merely demand a right which is already granted to workers in other industrial countries ; it desires to point out that this reform would make it possible for the wage earners and their organizations to have a part in the introduction of new technical methods, and that it is an indispensable condition of any re-organization of the national economic system. Control must be established over trusts and combines, and the workers' organizations must have a share in this control as well as the consumers, through the bodies which the state will need to create to exercise such control. Further, control over financial establishments must be added to control over industrial agreements.

The controversy in France with regard to rationalization has gone on with increasing interest since 1927 when the C.G.T. declared that while the working community accepted in the general interest the idea of rationalization, it desired at the same time to be protected against the possible initial consequences of rationalization. This policy was fully defined in the resolution of the 1929 congress which explained the attitude of the working class to production. The Congress drew attention to previous declarations which have always been in favour of any technical improvements likely to overcome the barrenness of routine and to favour progress. Rationalization, an experimental method due to the development of economic science, it was held, must be considered from two points of view : the industrial point of view, represented by attempts at the scientific organization of labour within undertakings, with the object of increasing production ; and the commercial point of view, represented by attempts at industrial amalgamation, with the object of avoiding useless competition, and thus leading also to the distribution of markets by means of cartels, selling rings, and other industrial groupings both national and international. As regards scientific management, the congress protested against the growing abuses resulting from the application of the new methods by the employers in a selfish and inhuman spirit. The results for the working class are in serious risks of unemployment, overwork and reduction of wages. These risks were more serious, the resolution said, because the employers in most cases persistently reject all suggestions made by the trade unions with a view to reducing or averting the dangerous consequences likely to result from such measures.

The congress declared the affiliated trade unions should vigor-

ously combat the abuses resulting from rationalization by every means compatible with the spirit and methods of trade unionism. They should demand that collective agreements be drawn up containing all possible guarantees against the risks mentioned ; and in drawing up such agreements the trade unions should take into account the fact that it is chiefly in the reduction of hours of labour that the workers are safeguarded against the dangers of unemployment and overwork, and that the average rate of wages in force in almost all industries in France is an irrefutable testimony of the exploitation to which the workers of France have been subjected. The congress asserted the absolute right of the workers to a higher standard of living, and urged the trade unions to take necessary steps to obtain increase in present wages, in proportion to the constant progress which is being achieved in the productivity of the different industries. As a first step the congress emphasized the necessity of a wage permitting a higher standard of living and allowing for the consolidation of the numerous bonuses and allowances established at the time of the inflation of the currency, by means of which employers had, up to the present, split up the remuneration of labour. At the same time the so-called production bonuses should be determined in addition to, and independently of, this basic wage.

In this connection it was stressed that the general enforcement of collective agreements would bring the trade unions to the point where they could claim the right of control by the unions, which, in the first instance, should consist in the supervision of the execution of collective agreements. The commercial aspects of rationalization led the congress to define on a larger scale the responsibilities of the organized labour movement. The attempt at industrial amalgamation leading to the distribution of markets to restrict competition, should be subjected to close supervision by the National Economic Council. This Council should, among its other objects, seek to direct this movement towards the development of internal markets. In order that supervision might be more vigilant in the still rudimentary economic organization of the country, the C.G.T. declared that the National Economic Council's work would necessarily have to be improved by adding to it regional branches with the duty of facilitating investigations. The participation of the representatives of the trade union movement in the work of the National Economic Council and regional bodies, would only be

effective, however, when the spread of collective agreements had brought about recognition in practice of the trade unions by the employers. The conclusion of the congress' resolution on rationalization states that the C.G.T. is not called upon either to demand rationalization or to oppose it. Its duty is merely, as a result of the resistance of the employers to any practical recognition of the trade unions, to take note of its development. It will continue to demand for the trade unions the right to share in the determination of new methods of work; and also the rights of management and supervision which legitimately belong to the organized working class. The C.G.T. for the present calls upon the workers to resist the abuses which may result from rationalization, and secondly, to see that the workers have their share in the material and moral benefits which should result from an increase in production.

But while attention is given to this aspect of production the C.G.T. urged in this connection the effective administration of the national social insurance system and the completion of that legislation by an unemployment insurance Act. The demands were thus set forth: (1) Absolute respect for the Eight Hour Act, (2) Application to working women, as to working men, of the principle "equal pay, equal work," (3) The Establishment of a system of holidays with pay, (4) The re-organization of the factory inspectorate, and the appointment of workers' representatives to assist in safety measures, (5) The Ratification of the International Labour Conventions, and especially those concerning the protection of women and children, (6) The extension of labour legislation, including that on freedom of association, to the colonies and protectorates, and, (7) The establishment of a compulsory jurisdiction for labour disputes, representatives of workers and employers being given an equal voice in the exercise of such jurisdiction.

It has been seen that from 1919 the C.G.T. has strongly supported the principle of a National Economic Council, and also in 1927 the report dealing with the Superior Labour Council, calling for complete adherence to this advisory institution was unanimously passed. The Programme of the C.G.T. demands that the function of the National Economic Council shall be extended, so that it shall be required to discuss all proposed legislation dealing with economic and social problems. Further, the National Economic Council should be incorporated in the constitutional machinery of the country, by this means

assuring the co-operation of the industrial organizations in the affairs of the state; and the Council should also be provided with funds and other material means for the carrying out of its task, and should be placed in definite organic relation with the executive Government and Parliament. It will be recalled that the Government Bill is before Parliament, to replace by legislation the Decrees constituting the National Economic Council. A significant part of the Programme dealing with the National Economic Council declares that the workers' movement has never claimed collective representation which would duplicate and overlap political representation. "It insists on the need of overhauling the activities of the state with the assistance of the organized forces of industry, having regard to the fact that only by such assistance will it be possible to deal with the problems of industrial life of the country, and to find solutions which safeguard the policy of democracy."

The Programme of the C.G.T. demands a full legal recognition of the trade union organizations of civil servants and that they shall be given an opportunity of co-operating in reform of the administration. The Confederation is opposed to the cession, direct or disguised, of state monopolies, which are the national property. The demand is for the re-organization of these monopolies, with a view of increasing their yield, and the nationalization, on industrial lines, of the great public services. The problem of housing is seen as one which calls for workers being given living conditions compatible with the elementary requirements of health, and homes which conform to modern standards of health. The C.G.T., in its programme of demands, has applied them to the agricultural worker, and in addition issued an Agricultural Programme for the French Workers. These demands are the regulation of hours of work of agricultural wage-earning workers, the creating of arbitration committees for agriculture, the improvement of housing accommodation, development of agricultural credits for younger workers; and a general improvement of the social condition of the small farmer by revision of the law and custom on leases; the systematic extension of electric power, development of educational opportunities, and the extension of all public services to the peasant population. The Programme of the C.G.T. is thus a charter of reform of labour conditions in France. The Confederation desires, their Programme concludes, in its campaign for well-being and greater liberty to unite urban

and rural workers, commercial and office employees, technicians and civil servants. Its aim is to get rid of discords, to suppress any reason for misunderstanding between workers, to bring about the cohesion of all producers within the sphere of its own activity.

The advance of the General Confederation of Labour in formulating a general policy for the French Labour movement is perhaps best illustrated in the attitude toward general education and vocational training. The progress in this field makes clearer the vitality of other demands for participation in the national life. The Programme lays down the claim that all children have a right to develop their intellectual and physical capacities, for by this means alone can they contribute, to the full extent of their ability to the common social life, and find their outlet in the occupations for which they are best qualified. For this purpose it has been maintained that unity should be established in the French educational system, so that the continuation of a child's education should not be dependent on financial resources. The Confederation has advocated for some time the immediate raising of the compulsory school age to fourteen years at least. The 1929 congress of the C.G.T. again emphasized their educational policy, considering that national education should be re-organized with the object of ensuring to the child the free and rational education to which he is entitled, of guaranteeing to each individual the full development of personality, and of giving to the community the opportunity of receiving the maximum service from all its members. The congress declared in favour of uniform schools, based on the principle of equality of children in course of education. It considered that the rationalization of education is at least as necessary as that of production, in the sense that each individual should receive an education suited to his capacities, so that he may take his rightful place in society, and that the teaching services should avoid overlapping, lack of contact and discord of all kinds, and that generally speaking, the administration of educational services should be entrusted to joint committees representing the staff, the state and the parents. The congress called for the nationalization of education, and declared itself ready to support the affiliated university organizations in the propaganda they are undertaking. It further appealed to the trade unions to examine the possibility of establishing research institutions to study the principles of popular

education and the problem of training "militant" trade unionists, and also of establishing educational institutions for the purpose of raising the intellectual and social level of the workers.

The congress proposed to make immediate efforts for the improvement of the present system of education, especially public, by taking the necessary steps to ensure regular and suitable attendance, and to this end to hasten the adoption of Bills at present before Parliament, by extending the benefit of Acts for the relief of necessitous families, with full obligations to comply with the education laws, by examining all measures likely to lead to better attendance, such as the provision of food, free supplies, more convenient time-tables for classes, transport for pupils, more convenient holidays, etc., by examining means of rapid and effective coercion of parents or employers responsible for bad attendance, and all those who seek in any way to hinder attendance, by granting credits to remedy the present inadequacy of school premises, and by providing all schools with suitable teaching materials and to supplement these measures by the enforcement of the Act relating to medical inspection and the keeping of school attendance books. These same measures were to apply to private education, pending the introduction of a unified system, and again the demand for a higher compulsory attendance age, which was shown to be practicable by other countries and was in force in Alsace. The Confederation thus showed a practical understanding of the problem of the education of French youth.

It is well to point out that the C.G.T. stands for the unity of general education and technical education, and the consequent absolute necessity of retaining both under the Ministry of Education. Here again it was claimed that children should be in school—not industry—until fourteen years of age. The congress hoped that the vocational guidance offices provided for by the Decree of September 26, 1922 would be set up in all localities with the collaboration of the workers' organizations. With regard to vocational training the congress declared that systematic apprenticeship should be recognized only in practical schools or primary or secondary schools, or in workshops, in accordance with a plan of apprenticeship drafted by the trade councils, consisting of delegates of the trade unions and the employers, and approved by the Departmental Committees on Technical Education, and that this plan must be supplemented by attendance at compulsory courses of vocational training. It was said

to be essential that the Act of March 20, 1928 making such contracts of apprenticeship compulsory should be put into force. In respect to the Departmental Committees on Technical Education, the congress held that they should be incorporated so as to enable them at the favourable moment to transform themselves into chambers of apprenticeship and on the basis of the trades councils (*Chambres de Metiers*) consisting of representatives of the trade unions and the employers' associations. The congress asked for the amendment of the Decree of February 17, 1921 so as to allow of the appointment of workers' departmental inspectors proposed by the workers' organizations in the same proportion as employers' inspectors. A resolution was adopted relating to the managing and supervising bodies of institutions for technical and vocational training, declaring that each of these bodies should consist of representatives of the administrative staff, the employers' and workers' organizations. To ensure that the educational policy of the Confederation would be carried out a Permanent Committee on Technical Education was established by the 1929 congress.

It is significant to point out that for five years these demands have been studied by workers' committees before they came before the 1925, 1927 and 1929 congresses (the C.G.T. meets every other year, the National Committee functioning between sessions), and because of this fact they have a value in popularizing the demands among the workers themselves. There were 1,969 workers' organizations represented in 1927, and in 1929 there were twelve hundred delegates representing 2,200 unions. The C.G.T. represents approximately 700,000 organized workers, and for practical purposes their programme with regard to reforms for the workers represents the aims of the 300,000 affiliated with the C.G.T.U. In fact with increasing rigidity in the C.G.T.U. and a Moscow foreign policy unacceptable to the French worker, the C.G.T. will no doubt soon again represent the organized and effective industrial labour movement in France. The following table indicates the representation of each Confederation since 1923:

C.G.T.	C.G.T.U.
Paris 1923 Congress, 1,423 syndicates	Bourges Congress, 1,381 syndicates
Paris 1925 Congress, 1,657 syndicates	Paris Congress 1,481 syndicates
Paris 1927 Congress, 1,969 syndicates	Bordeaux Congress 1,487 syndicates
Paris 1929 Congress, 2,200 syndicates	Paris Congress 1,209 syndicates



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The *Confédération Générale du Travail Unitaire*, even though it only dates from 1922, declares itself in the "third period" of its development, and in inaugurating at their 1929 congress a war against "capitalist rationalization" announced that a new epoch was begun for the workers of France and for the world.<sup>10</sup> The congress sessions were held in secret, and the most practical thing done seems to have been connected with the demand for what was called the "Russian seven hour day" for all workers. It is likely that internal disputes will greatly lessen the influence of the Communist political and industrial organizations in France.

A commentary on the present French Labour movement of real interest was given in the 1929 congress of the General Confederation of Labour, by M. Jouhaux who at this session ended twenty years of executive leadership. His report was accepted by a vote of 2,037 to 21, with 7 abstentions, which indicates that his authority has not diminished. This executive report, *le rapport moral* as it is termed, is always the basis of several days of discussion, and in summing up the debates M. Jouhaux elaborated his philosophy of the place of French syndicalism. There had been criticisms of the slowness with which social reforms were initiated and carried out, and the demand was made for a more independent political attitude on the part of organized labour, and there were delegates who urged that rationalization be studied from the workers point of view. In his reply M. Jouhaux referred to the *naïveté* of those who considered their duty done when they had criticized the Executive, and with regard to the complaint that they were not in sufficiently close touch with the working class or not energetic enough, he said it was the rank and file who should be more active. He repudiated the possibility of a syndicalism of the masses by the type of social romanticism which he had heard from the congress tribune in criticism; syndicalism was not that, and to attach the masses to syndicalism was something quite different from words and formulas. M. Jouhaux said it was the duty of the trade unionists themselves to win the allegiance of the working class, but it was necessary to have the courage to say that the majority of the workers were indifferent to trade union organization; it demanded too much effort from them, too many sacrifices, and they were not yet willing to give their consent. M. Jouhaux declared that it was no use to depend on old formulas or on new formulas, results could now

<sup>10</sup> See *L'Humanité*, articles November 21 and December 2, 1929.

be obtained only by the working class creating a new education, a new mentality. For this reason, facing realities and understanding the realities of present day France, it was necessary to establish a new method of propaganda and of organization. In line with this policy a complete system of documentation and study would be carried out ; it was not possible to ignore the great facts and problems of economics, for the corporate interests of the labour movement depended upon the influence which they exerted on the development of industry and national economy. It was desired that their documentation be scientific and that their researches be based on fact. Here was a plain statement of a new responsibility.

There had been criticism that social reforms were put in application slowly and they lacked value. M. Jouhaux reminded the congress that it was they who had decided upon the reforms. How illogical it was for long years to have battled for reforms which were in their programme, such as the eight-hour day, and when almost won to declare they had lost their significance. He valued reforms not only because of the sum of larger liberties which they brought to the working class, but because they were themselves transforming factors in inspiring the evolution and the triumph of social justice. The programme of the C.G.T., outlined above, was briefly reviewed and the policy of collaboration in national labour and industrial policy, all of which were based upon the principle of the independence of syndicalism and the facing of facts as existent today in France. The final part of his address was a justification and a brilliant summary of the work of the International Labour Office and the League of Nations. He saw in the processes of national and international action the emancipation of the worker, and a world peace created upon the basis of a fruitful and pacifying ideal of Labour.

The syndicalist position so defined by M. Jouhaux separates an old period from a new, and if it does not have the virtue of what he discounted as the social romanticism of the old, certainly the movement today steadily faces the problems of French Labour in terms of the national life and international relations. The account which has been brought together in this chapter must necessarily be an enumeration of the post-war congresses, but when taken with the accepted parliamentary support of the C.G.T. Programme by the Radical Socialists, the Republican Socialists and the Unified Socialists, they constitute a part of the evidence that the French Labour movement

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is determined to share in the control of the national life of France. The progress from year to year is slow, and there seems at times only the repetition of old slogans and old aims. But gradually their meaning becomes plainer, and the very words which were once but part of the enthusiasm of a congress resolution become the determined policy of the Government and of national organizations of workers and employers. In the years since 1920 large lines of future development seem to have been laid down, and French Labour has accepted a common responsibility in their fulfilment.

## CHAPTER XII

### A GENERAL SURVEY OF THE PERIOD

The remaking of French and British institution has gone on in the twentieth century, just as in the nineteenth century there was the slow and sure reform of the institutions of both countries. The thirty years of the present century have been revolutionary in their effect upon the peoples of England and France and upon the working of their governments. This period is of the greatest importance in judging the development of the political and industrial labour movement in modern democracies, for it shows what the rise of the wage-earner has meant in changing old social and governmental institutions. It is a record of what the common man and woman have thought of their work and their judgment of the society in which they were living.

It is true that the England and France of 1900 had recognized the problems before the modern industrial state and had set about in the beginnings of a comprehensive system of social legislation to meet them. But there was a difference in the preparation of these two nations to meet their problems, and there was also some difference in the problems which they were attempting to solve. By 1900 it was plain both in England and France that Parliament as a legislative machine would bring more fully into effective expression the cross-currents of modern democratic thought in these two countries. There was a determination to use democratic government as an engine of reform. A comparison of the progress of social legislation in each country has necessarily meant giving some attention to the government of each and to the political parties.

The prospects of democratic control at the beginning of the twentieth century in England and France have to be judged from different points of view. In the first place in England there had been almost a century of progressive democratic progress in constitutional re-

form, for from 1832 there had been no setbacks to the widening of the basis of popular participation in the business of government; but in France this same century records one constitutional crisis after another, until at the very beginning of the twentieth century it seemed as if the existence of France's Parliamentary system was endangered by intrigue, reaction and scheming military dictatorship. This contrast between the two countries is a fundamental one, for in England there was not and could not be the sullen rebellion of organized groups desirous of seeing the existing government fail. France, however, from the beginning of the Parliamentary régime to the present session of Parliament has not failed to have elected deputies opposed not only to the democratic programme of the Republican parties, but opponents of the existing governmental system of France. The far Right and the Communists have continually practised sabotage against the French government as it exists today. Thus, the French Labour Movement, essentially a democratic development, has been constantly influenced by the political instability of the French Parliamentary life. It has been infected by the general political irresponsibility of the Parliament of France. Parties like politicians have hoped to profit by an order of chaos. An English Prime Minister, Mr. Balfour, at the beginning of the century could curiously look upon the Parliamentary scene as a fellow Scotsman offered the first Socialist resolution in the House of Commons, and in Keir Hardie's accents there were no revolutionary echoes that were not as old as the story of British liberty itself. But at the same time in France M. Combes, the Prime Minister, daily fought for the life of his Government against opponents who did not care whether the French Parliamentary system endured or not. Monarchists and Socialists alike could welcome the deluge; they were against the government. That is why one hears again and again the challenge to support the democratic régime, the existing Constitution, from the French Socialist leader Jean Jaurès. Hardie, Henderson and MacDonald at the same time in the House of Commons would have amazed their colleagues if they had talked about such things, and, even in the long fight centring around the famous Budget of 1909, Keir Hardie took no special interest, saying to the Liberals "Go on with your fight, but don't forget the fight of the people for decent living quarters and food and protection."

This political instability, combined with the French love of logically

working out an idea to its conclusion, accounts for the schismatic tendencies of the French Labour Movement. The history of the twentieth century political Labour movement in France has thus been one long story of doctrinaire discussion; and from the *Cas Mil-lerand* to the latest Extraordinary Conference in Paris, January, 1930, called to decide whether or not to support a Radical Socialist Government, their political conferences have been like the impassioned café talk of Latin Quarter students or else have been unending and depressing debates upon motions or resolutions aimed at ridding French Socialism of any heretical taint. In the place of Fabian propaganda and Independent Labour party village to village col-portage, Paris and provincial Socialist halls have been the forums for orators denouncing "tendencies" and warning against any trafficking with the bourgeois enemy or even a Socialist comrade who did not interpret in the same way the dogmas of a narrow working class socialism. Such differences between the French and British Socialist are nothing less than great psychological and temperamental differences which separate the Frenchman and the Englishman.

This is again indicated by the failure to use up to this time the woman trade unionist. A Labour Cabinet in England uses Miss Bondfield as its Minister of Labour, and throughout the twentieth century both the political and industrial labour movements have relied upon the unfailing energies of its women adherents; but as late as 1929 the French General Confederation of Labour had to be convinced of the place of women in the Trade Union world. Of course giving woman the right to vote is not yet practical politics in France. And no doubt it will be a long time before the Chamber of Deputies will pass social legislation under the directing leadership of two Parliamentary chiefs like Miss Lawrence or Miss Bondfield. One can well imagine the feelings of the deputies under such guidance. Thus the contrast at the beginning of the century continues to the present, and is a significant thing in this whole account of the progress of social legislation in the two countries.

The same broad division of difference in the two countries obtains not only in the contrast between French and English Socialism at the beginning of the century, but also in the relations of capital and labour. Just as the political irresponsibility of the French constitutional system has created a Socialist party without a sense of Parliamentary responsibility, so the individualism of the French

industrialist has inspired a revolutionary spirit in the French worker. In France there have been two hostile camps in which workers and employers have entrenched themselves, and between the two an impassable gulf of individualism was fixed. Not learning the strategy of compromise which the English trade unionist followed, both because it fitted his temperament and his sense of what was possible to gain, the French worker, refusing even to organize, has fought a guerilla campaign. And he has had only the satisfaction of annoying the enemy without ever endangering the economic position of the industrialist. At the same time the English Trade Union executives have been safely putting every victory definitely under Parliamentary approval, helping to establish a central inspectorate of factories and workshops; and the habit of looking to a common agreement between workers, employers and the state has become a settled thing. The German reflection that the British worker cared only about his apple pie, and would only be stirred if this piece of pie was touched, may be true, but the fact must be kept in mind that year by year he has had more and better apple pie. That is perhaps what he has had in mind all the time.

Broadly then these two facts must be kept in mind when one tries to see the relative advance of two great movements, which are essentially democratic movements, and depend finally for their validity upon the conditions of democratic government being maintained. First, that the French Labour movement has suffered from the instability of the French Parliamentary system, and has thus lacked a continuous political discipline. This has made it a thing of anarchy both within and without, for it has feared heresy at the same time that it has shunned responsibility. And, second, the individualism of the French employer, equalled only by the independence and stubbornness of the French worker, has made it possible for a revolutionary tradition—essentially a non-co-operative tradition—to continue in the French Labour movement. At the beginning of the century we found the French Socialists arguing whether to co-operate in forming a Government or not; and in 1930 they are still holding this same argument, and not any fresh material has been brought forward; change the names of the men and handy-dandy the words are the same. But in England 1900 saw the Labour Representation Committee formed and by 1930 two Labour Governments had been called to office.

The British Labour movement has thus entered upon an entirely new era. Already in office, the opportunity for action has made for a stronger party, because criticism unsilenced within the party and greatly emboldened without the party, has shown the limitations and the possibilities of power. Labour cannot any more escape from learning by mistakes, or making them, than Conservatives and Liberals could in their long control of British Parliaments. The important thing is that they have arrived at power. In France they argue whether they shall help form a Government, or whether they shall vote for or against their political enemies and their temporary political friends.

Then in the light of these conditions within the political framework of English and French governments, and keeping in mind the lesser confidence in France of co-operation between workers and employers, one can see the progress since 1900 of social legislation in the two countries. England in 1900 had the oldest and best developed factory laws in the world; the strength of the Trade Unions was a growing factor in reducing industrial disputes; municipal trading and the co-operative movement were putting an emphasis upon standards of living, more explicitly set forth in the wage clauses in public contracts; and the beginnings of workmen's compensation had been made. But as yet there was no convinced public opinion of the degradation of national life through low wages and the great suffering of a major portion of the population from the risks of unemployment, old age and poverty. From 1900 on evidence accumulated of the industrial degradation of England and the condition of the working class; and just as these facts were being made known to all thinking people political power came to a Labour party, the strength of which was in the organized Trade Union movement. It was seen that Factory Acts and the Poor Law were not enough; they were elemental defences against degradation and merely a humane pledge to destitute people. Parliament had not yet tackled the job of making England a better place in which to live. This was the task of the twentieth century.

What of France? At the beginning of the twentieth century social legislation in France amounted only to provisions protecting women and children from underground work and what was then considered excessive hours of work, Factory Acts of very limited scope, together with merely the opportunity for industrial disputes



to be settled without strikes if there was the desire that this method of conciliation be followed. Likewise, the Trade Unions were just beginning to be looked upon as agents of industrial peace rather than fomenters of social discord in the country. And for the human wreckage of the industrial system there was an unorganized public charity. Even public health laws and education laws had made no real progress in meeting the needs of all the people. Thus, it can be said that in both England and France, by 1900, that while the evils of modern industrialism had been recognized, and there were the elemental provisions against its more obvious perils, there was simply lacking any adequate social control, either through voluntary or statutory agencies, for making a determined fight against poverty or the risks of the industrial or agricultural workers' life. The growth of social control from 1900 and the creation of a technique of control is the work of twentieth century Parliaments. Before this the misfortune of the citizen and the worker as an individual had been seen ; from 1900 the peril to the whole nation of industrial degradation was known. Slowly there was conviction that the modern democratic nation could not be strong if its working class were less than citizens, intelligently co-operating in making the national community vigorous and efficient.

The development of social legislation and administration in England and France since 1900 has proved that in both nations there is less distrust today of the concentration of social authority. The expanding social legislation of England has been less logical in its growth than in France, for France did not really tackle the problem of a national insurance system until after the war, while England had laid the basis of her schemes. There was thus the opportunity in France to put under a unified administrative system the whole of her social insurance and welfare legislation. But England has given the example of a closer knit system of protection for the wage earner, and there is a recognition of wider needs for himself and his family. The tremendous individualism of France has retarded the growth of welfare agencies and voluntary associations, which seem to be especially suited to the British temperament. In both England and France there are few who would maintain that the limits have been reached in the material betterment of the condition of the working class, and there is every indication that the question of the means of improvement will continue to be studied seriously in both countries.

Up to the present time the foundations have been laid, and now there will be opportunity to construct a healthier and sounder national community. Constantly expanding public policies have been given form in Acts of Parliament, and in developments of administrative agencies for the practical application of those policies. The social legislation of England and France, it has been seen, had its beginnings in those early enactments authorizing state interference in the industrial system. In neither of the two countries has this social legislation wrought quick changes in the economic order. This fact is important, for there have been influential leaders who have seen the peril of a degraded Parliament and the entrance of class warfare in the pressure upon popular assemblies to pass social legislation.

This study, it is hoped, has made plain that in the two democratic countries of England and France social legislation passed by a convinced Parliament and maintained by public opinion has helped to create faith in popular government and has not been a cudgel used by legislatures. The groups for which legislation has been primarily enacted have been enabled to see with increasing insight the whole structure of national life. A servile state has not been the master. Social legislation has not been looked upon as an end by the Labour movement of either France or England, but simply as a condition necessary for security before the worker could take the part that he should in the modern community. The development of social legislation in England and France has not been because of threats from the workers, but it is based squarely upon the rights of workers as citizens in an industrial system filled with special risks.

The energetic interference of government in the control of industrial relations has weakened neither the organized labour movement nor frightened combines of capital into inactivity; in fact, today workers' and employers' associations have a national importance that would have seemed far from realization in 1900. In both countries a four year war period and a reconstruction era of bitterness tested the whole population of each. England and France at the beginning of the fourth decade of the century command a larger civic loyalty than has been before expected; duties set forth in statutes, and services given through voluntary agencies by many men and women have inspired a new spirit of allegiance to institutions of social control. M. Waldeck-Rousseau in his social policy was said to wish to follow the example of England in forestalling revolutionary demands by re-

medial legislation,<sup>1</sup> an interpretation of the social legislation of his country which today it is not possible to make. Social legislation has become an accepted policy of modern democracies. The beginnings of the social movement in democracy, so far as there was a conscious effort to create conditions of security for the worker, go back to the early years of the nineteenth century. What the future of social legislation may be is certainly a matter of prophecy, but there are many indications today that the actual progress made, so far as establishing the workers' standard of life, has raised the level of the whole national existence. It may be said today that the principle of social legislation as accepted in the chief countries of Western Europe is the main security against revolution;<sup>2</sup> but those who believe this are the first to point out the larger aspects of the principle. The governments of England and France are not primarily concerned with avoiding revolution but with establishing political and economic institutions which are supported by the voluntary wills of their citizens. The revolution in which the modern state is always involved, is the never-ending duty of trying to make institutions of government, which define democratic aims, function adequately in an industrial order. It is this revolution which is demanding every energy of statesmanship to control. Social legislation has contributed in an important way to social peace, the only hope of social control, and in this way has helped to make plain what agencies political democracy can use to strengthen the faith of the wage-earner in his government's aim for justice.

The social legislation of England and France when the war came was to a large extent experimental, so far as the newer forms of welfare are concerned, and from July, 1914 domestic policies were subordinated to the one aim of national defence. Social legislation for these four years was nothing more than part of the war policy; but in each country the four years of war strain were withstood, and when peace years followed the whole system of social insurance was utilized to lessen the dislocation of millions of workers and to mitigate the prolonged recuperation of post-war times. The national system of insurance in England had been in force just a little over a

<sup>1</sup> Cf. Emile Bourgeois, *Modern France, 1852-1913* (2 vols. 1914), vol. II, p. 277.

<sup>2</sup> Cf. H. J. Laski, *A Grammar of Politics*, p. 520, and the penetrating comments on social legislation in *A Survey of the Social Structure of England and Wales*, by A. M. Carr-Saunders and D. Caradog Jones (1927).

year when the troops of Britain were mobilized; the Liberal legislative programme, which was successively changed by war measures between 1914-1918, was new and untried. France had not attempted before 1914 any such large scale schemes of legislation, and necessarily her post-war Parliamentary record of social legislation is different to England. It has been less hurried and less necessitous, and there is a unity in France's national social insurance system which is not found in the British social insurance administration. But in France administrative measures during the war by the Ministries of Munitions, Health and Labour did not lose their effectiveness after the armistice. The French had learned in the way that was easiest to learn, because they became accustomed to enforced co-operation and to certain habits of collaboration between employers and workers, and the government supervision seemed less an arbitrary intrusion. A tremendous prejudice had been broken down in the minds of the employers and workers and the public. France maintained, in the same way England did, some war measures, adapting them to peace ways, thus profiting from having on the statute book pre-war legislation. The impetus so badly needed in the demand for social legislation was given by the enforced co-operation of a France at war. When action was imperative Departments of State began to draft comprehensive measures of social control. England and France have modified, extended and greatly enlarged their schemes of social legislation. Amending Acts have followed fast upon Amending Acts, and there is yet confusion in administration because original Acts have been quickly followed by fresh legislation. At the same time social legislation and the principles upon which it is based as a national policy have been debated from every party platform. The uncertainty in France and England of future Parliamentary action has in itself created confusion; and this has been seen with regard to the Unemployment Insurance Acts in England, as well as in the long debates on the administrative agencies of the national social insurance system in France. In England twenty years after the inauguration of the national system of social insurance the Government in power begins a critical Cabinet survey of the whole field of social insurance. France can use her more limited experience effectively when the Superior Labour Council and the National Economic Council study the factors of success upon which French industry and labour are dependent. France is especially fortunate in having a unified social insurance system, while England administers four different systems.

## I

Though there has been much confusion in England and France since the war with regard to social legislation (in part due to wasting and fluctuating currencies and the difficult problems of demobilizing armies), one result of the practical importance of existing legislation can be observed. However difficult it is to draft legislation, as the Social Insurance Act of the French Government in 1928 revealed, a more intelligent policy has been formulated because there have been foundations to build upon, and because it has been easier to plan for the future since the results of a quarter of a century of experiment were known. Post-war England without the comprehensive schemes of social insurance would have been in an even worse plight than she has been, and in France there would have been many more long years of debate than there were over the complex provisions of her national law, if the preparatory work had not been done by the pre-war legislation. Another aspect of this truth is seen in the kind of problems which appear on the agenda of the Superior Labour Council and the National Economic Council in France. These have been noted, and it is only necessary to suggest their comparison with the work which has been done in England by such a Royal Commission as the Balfour Committee on Trade and Industry.

There is a new approach to problems of industry in both England and France, bringing a new meaning to national life since men have seen how destructive their confused aims might become, undirected and undisciplined by larger interests than their own. This is confirmed in the testimony of the Committee on Industry and Trade, appointed in 1924, given in the first volume of their Report, the *Survey on Industrial Relations* (1926), and the final Report of this Committee in March, 1929.<sup>8</sup> The Committee was appointed primarily to inquire into the conditions and prospects of British industry and commerce, with special reference to export trade. But the *Memorandum* to accompany the terms of reference was a broad mandate. This officially declared that it would be necessary to take account of state regulative action upon costs and output; the relations between those engaged in production would have to be considered, and this would involve inquiry into methods of industrial remuneration, the main

<sup>8</sup> Cmd. 3282.

causes of unrest and disputes, and the methods of avoidance or settlement of disputes, as, for example, co-partnership, co-operation, Wages Boards and voluntary arbitration, state regulation of wages, and compulsory enforcement and extension of agreements.

The terms of reference read like a new charter for British industry and trade. The changed way of looking at national life is seen in the interpretation of the Committee of what is "a satisfactory standard of living." It is maintained that this is for England a matter of relative rather than of absolute standards. It is how men want to live that is important, it is not how the worker lived in 1880 or even in 1900, or, as a matter of fact, in 1914. A minimum is not the point; but it is, so the Report phrases it, what the British worker accepts as a "satisfactory" standard of living. British trade and industry have to compete upon this basis for world markets, and this fact represents a new attitude which marks an end to long-respected arguments of economic nationalism. This means that Great Britain is more concerned than any other great trading nation with a higher world standard of living, for upon this world standard of living her national standard is dependent. British industry as a whole—not the worker alone—will carry to Geneva international economic problems, and will there try to gain through international labour conventions a security which cannot be undermined by low standards in countries less developed. The Government may take the directing hand in this movement, just as in the 1929 Assembly of the League of Nations, the British Government, in the effort to redeem their electoral pledge to the miners, put the coal question to the front as a problem requiring international concerted action.

There is not much to be gained by pointing out to the worker today that his condition is vastly improved over that of the nineteenth century wage-earner. A more powerful incentive to improve the standard of life of the whole nation determines national action. This is not a vague doctrine of social revolution, through it is re-making England and France, for men do not seek the road away from revolution; but England and France are being changed because men are convinced that there is a better way to live. This is a dominant characteristic of the social idealism of the England of today, more persuasive than any electoral promises, and the appeal is no less in France than in England a challenge to things as they are. One writer has pointed out truly that the sort of appeals which had aroused the

workers in the 'thirties and 'forties would have made no impression in the latter part of the century.<sup>4</sup> Even Mr. John Burns in 1900, at the Labour Representation Conference, pleading his tiredness of "working class boots, working class trains, working class margarine," seems far away from the Brighton Labour Party Conference of 1929 in its social activities. His part in 1889 in the Dock Strike seems to belong almost to another industrial order when the Report of the Belfast Trade Union Congress of 1929 is read. The Huddersfield and Swansea Trade Union Congresses of 1901 and 1902 are nearer to 1868 than they are to 1929 and 1930. There is a great difference in the editorials on the Trade Union Congresses in the *London Times*; and this newspaper in 1929 had to confess that the word "poor" had passed out of usage when talking about the people. This meant a silent revolution in social thought. There is this same new world of Labour in France, though it is less accustomed to the normal liberty of progress by its own strength and in its own rights. The sessions of the French Confederation of Labour between 1902 and 1906 were filled with rousing condemnation of all things capitalistic; but the meetings in 1927 and 1929 showed what a determined organized labour movement was intent upon in France. The reformism, if one wishes to call it that, of the French Confederation of Labour today, is more dangerous to French vested interests than the revolutionary syndicalism of the pre-war years.

The change here suggested means that the British and French Labour movements see their problems in 1930 in a different way to 1900. It is not only that these problems are more inclusive of human good, but there is a different mental attitude toward the use of the workers' organizations which are determined to share control in the community. This is a reason why Labour today is taking a large place in the social control of industry and in shaping public policy. What was once an isolated problem of unemployment or of education or of health in 1900, has become a part of the larger problem of the nation's industrial supremacy, its social standards and the efficiency of trade. The class war upon poverty has turned itself into a nation's war upon poverty, and the problem of "a satisfactory standard of

<sup>4</sup> Cf. G. D. H. Cole, *A Short History of the British Working Class Movement* (3 vols. 1927), vol. II, p. 194. Note also the two letters in *Appendix* of M. Albert Thomas to the French General Confederation of Labour, September 1929, and the French Social Week at Besançon, July 1929.

living" (no longer the old "minimum") is seen in terms of the welfare of the whole. The boundaries of problems which are distinctly social are no longer strictly kept; and for this achievement in nation-planning, which is what this means for the future, the administration of social legislation is largely responsible. Likewise just as social legislation has shown plainly the national peril of poverty, ill-health, and industrial dislocation, the study which Governments and individuals have given to these needs directs attention to not only national co-operation among all classes but to agreement by international action. The coal miners take their case to Westminster, and then with the employers go to Geneva, and at the same time the representatives of French and German workers and employers and the Government spokesman are in the international conference. This does not mean that men are at all less interested in their local colliery, but that it is seen in a different relation than before to the French and German collieries. It is also true that the domestic problem can never again be looked at, whether from the workers' or the employers' or the Government's position, in the same unrelated way. This is something new in the industrial relations of England and France. It is just a beginning but it may greatly advance the aims of national industry at peace.

Aside from increasing actuarial problems and their solution, yearly reports dealing with the administration of social legislation in England and France have directed national attention to the extent of social problems. Condemnation of the machinery of public social services does not solve these problems. The information has been given, and this is the necessary basis of intelligent understanding leading to reform. There has been much in common between England and France on this score. England and France through the administration of their schemes of social legislation have learned to know what are the conditions of living of their people, and finding out the national dangers to social peace and industrial security, they have been able to take thought of their future.

## II

An important result of the progress of social legislation in England and France is best explained by the national appeal industrial ques-



tions now make in both countries. This appeal is seen immediately not only in the programmes of organized labour, it is equally evident in the changed attitude in the nation toward the responsibilities of organized industry and labour. There are sharp conflicts and there are divergent points of view, but they are known better than ever before, and the reasons for a common understanding are more widely held in 1930 than in 1900. All parties now find it possible to agree on the basis of national prosperity as an aim of industrial organization. Agreement does not end here. The wider implications of international trade are becoming generally accepted, and, national prosperity, which means security of the standard of life for the worker, is seen to be closely joined with gaining an international security for all workers. This is an advance which has come so gradually and so insistently that its significance is likely to be overlooked. It is helping to bridge the chasm between the worker and the employer, and to bring them into active co-operation with the government, on the old national basis of group self-interest and independence. But this is an independence founded on co-operation with all other nations. The recognition of the necessity of national prosperity if there is to be security for any one, and the duty of all constituent groups within the state to aid in the aim for their protection and for the general welfare, has as much as anything else contributed to the diminution of industrial warfare in England and France. The outstanding examples of this spirit are to be found in the agreement between the General Council of the Trade Union Congress and the Confederation of Employers' Organizations and the Federation of British Industries, and in the Trade Union attitude and the employers' attitude toward this innovation. This development is paralleled by the Government's increasing dependence on consultative bodies where labour, capital and the public are represented, and the negotiating power of the joint bodies, supported by the national government. There is also the attitude of workers' organizations to rationalization, implying a definite acceptance of a new industrial era in which the worker must share and take responsibility. This point of view, which is dominant today, is different to the old pre-war internationalism of resolutions. The complexity of wage standards has been seen and it is more generally understood that industrial security can come only when workers all over the world are assured a decent standard of life. The International Labour Conferences

at Geneva have confirmed the fact that workers are no less informed about this problem than are the representatives of governments and employers. In fact, it is usually the case, that delegates from nations willing at home to work out in co-operation their common problems are ready to apply the lesson they have learned to international agreements. It is also true that the spirit which is found in an International Labour Conference may help to solve difficulties of a domestic character. Often in these Conferences facts are discussed which have not before been given their full significance in national discussions.

The earlier optimism in England and France has passed away, the optimism which was given rhetorical definition year after year in a party or Trade Union programme; and the British Federation of Industries and the French National Chamber of Commerce have learned their lessons. It is possible to get a hearing of national social issues by the organized groups of workers' and employers' associations, which has certainly raised the level of public discussion on these issues. It is true also that decisions are taken which are not dependent upon the control of the agencies of government, nor is the future work of these representative organizations centred upon the directing policy of the national government. There is more original initiative in industry and labour, in order that in both their individual and joint effort there shall be the fulfilment of industrial policy upon which they are agreed. There is also a more consistent policy of publicity of aims and of appeal to public opinion. The increase of the capacity to organize their own interests is a mark of present day industrial associations, and this means that they are in a better position to state their case before each other—the workers and the employers—before Parliament and to the country. It is a period of increasing self-government which aids in the solution of many industrial problems, and it is likely that under democratic conditions this increase of a coherent industrial policy will mark a new development in workers' and employers' relationships.

This progress of common agreement on common industrial aims indicates that the social movement is today largely outside the direction of political parties, and neither is it at the mercy of the stark competitive struggle between industry and the workers, uncontrolled by outside influences. The political parties yet set themselves the task of interpreting the needs of the nation, but they do

not command the authority which can translate into action a Liberal Yellow Book or a French Socialist party Programme. All party programmes are essentially propagandist documents. The parties give publicity to a number of important questions; but in Parliament and outside, the work is necessarily a work of compromise and conference, which by the very method of deliberative procedure demands a larger co-operation by all representative groups than strict party alignments provide. The development of strong trade groups has hastened the decline in bargaining importance of the political parties. Employers and employees today have a more direct representation in their regional and national professional organizations than it is possible for any political party to give them. This has especially been seen in England when a Labour Government has had to follow the same administrative policy of preceding Governments and to accept strong opposition from groups constitutionally a part of the Labour party. The 43 members of the Labour party who represent mining constituencies, for example, maintain a separate organization. A more immediate pressure is always in the trade or professional groups to which a citizen belongs, and when this happens to be an influential voluntary society, cutting across class and trade lines, every Government must listen to its demands. There is increasing dependence by every Government upon the influence which it can receive from voluntary organizations in carrying out its programme.

The incapacity of political parties to represent adequately trade and professional interests is not a new thing in Parliamentary democracy; but its meaning has for the present time a fresher application than the syndicalist movement in France before the war and the reaction in England to the progress of legislation for the working class at the same period. This incapacity is now better understood. The parties in fact have a stronger position in the national life because they cannot be used as direct agents of organized interests. They are within themselves parliaments of opinion and help to carry forward the larger concerns of national life which may be dealt with by the whole elected body of Parliament. The Labour party in 1929 heard four Ministers from its annual conference platform defend their record of four months in office, not primarily as Labour party agents, but as Ministers of the Government. This procedure gave a reality to this Conference which Labour Party Conferences, in common with the other parties, have not

heretofore had. The 1930 Labour Party Conference heard Prime Minister MacDonald defend his record, and several Cabinet members addressed their party conference. This new method may build up a body of informed opinion in the party which is intelligently sympathetic with national problems of legislation and administration, but which has not had before any opportunity of gauging the difficulties of Labour in power. Yet another indication of this tendency was given in 1929 when the Conservative party set up a department within the party for research and study on the social and economic problems of the nation. The Liberal Industrial Inquiry was a party achievement of first importance.

The social movement in England and France commanding a place of national significance, beyond party control, helps to explain the breaking up of the Liberal and Labour parties as they were in 1914 in both countries. They are not today what they were in 1914, nor what they were in the first years of the century. The social movement is today more than ever a national movement taking its direction from Parliament and from organized commercial, industrial and voluntary groups. The party brings together a section of the community, and its value is in keeping before the people a programme which may influence every party but which finally only Parliament can put into law. The appeal of every party now is to all organized groups, and ultimately to all the nation. The larger expressions of community interest in England since the war have been independent of party. The facts of surveys and commissions have been studied by many who have become sceptical of party leadership. The initiative of voluntary organizations, the work of employers and employees, independent of Parliament and Government, and critics in academic and political circles have had a prominence which is nothing less than a remarkable indication of the vitality of English public life. All of these things have really meant a healthy advance in the social politics of England. It is an advance which any Government can welcome for it means a larger number of citizens are concerned about the responsibilities of democratic government.

### III

This study has centred attention on the fact that the key to an understanding of the social legislation in England before the war, 1906-1914, is to be found in the programme of the Liberal party.

There was no such unity of a legislative plan in France. The party had the definite hope to make England a better place in which to live. This phrase was used again and again in Parliamentary debates. The optimism of the old individualism of their Victorian fathers who thought that things would work out all right themselves was lost, but in its place was a new optimism that the neo-Liberal collectivism could make for them this better world. The new world was always before their eyes. Their aim was to redress the balance of society in such a way that the obvious evils of poverty and unemployment and the slums would disappear. They looked neither to the church nor to science nor to voluntary effort through organized groups, but to the omnipotent Parliament which seemed to measure the political intelligence of England. Parliament had often served the nation; now it might become the arbiter between classes and by fixing the position of each within the state, serve the nation far better than either Whigs or Tories had ever done before. The actual achievements of Parliament represent what was politically possible and profitable. It has been assumed that the Liberal leaders gauged accurately the temper of the people, and the many laws dealing with social reform may serve as a means of determining the state of public opinion. Yet that opinion had hardly gone farther than indicting useless waste of human resources in the industrial revolution, there was little thought given to the life of the nation as it might develop in the larger freedom of the new century.

The Liberal period of social legislation before 1914 was an attempt at national salvaging of human resources, and it was indicative of the widespread determination to apply democratic ideals to industry. The legislation was a product of the times, but it was more than just a reflection of social ideals; for this period meant above anything else that industry could never again be less than a national matter, whether this meant increasing social control or not. The leaders of industry and labour were not prepared for legislation which recognized their duty in organizing their interests on a national basis. But this need was implicit in the Liberal programme of social legislation, and the War did more to undermine the self-complacency of every group than legislation could accomplish. A strong, responsible party in Parliament between 1906 and 1914 carried through a great programme of social legislation. At the end of the war it was at hand to be used as men were ready to see their

duties in a fresh way. It made a larger duty of national development possible, because it was not just a negative conception of social legislation but a prospect of a new industrial and social system. Now that the post-war problems are becoming the normal problems of the business of government it is possible for a creative period of social legislation to once more begin.

The strength of the Parliamentary system in England made possible the development of a continuous social policy. The party system meant responsibility, debate was constant, and the party appeal shaped by leaders had election results in mind. This helps to account for the more uniform establishment of social legislation in England, and the closer unity found in industrial law. It should also be kept in mind that a powerfully organized Trade Union movement was a stimulus to legislation and a surety making for vigilant administration. In England each party was committed to the general principle of Parliamentary Acts, and there were few Acts passed which did not soon become accepted by the responsible leaders in all parties. The Labour party in this period was chiefly concerned with providing the necessary urge for action on the part of the Government. The vigour of the party system provided a strong constitutional basis for the programme of social legislation.

This was true in England but not true in France. There was lacking the responsibility of any one group when legislation failed to pass; the pressure for social legislation came from individual members primarily and from groups outside Parliament. The Socialist deputies had the opportunity of debate, but a great deal of their time was given to distinctly political debate centring about strikes and the right of civil servants to organize. These debates indicated the weakness of an organized Trade Union movement in France. But in this same period in England, Parliamentary discussion was reflected and duplicated in the general discussions of the Trade Union movement and in the Labour party conferences. The habit of talk and discussion was growing up in the whole field of industrial relations. The basis was being laid for tolerance in social attitudes and for a wider understanding of the common problems of industry. In England the leaders who have taken part in the post-war conversations between industrialists and workers, were leaders in the pre-war Labour policy. At the same time in France the political wing of the labour movement was dismissing from

party membership a Socialist Cabinet Minister—Millerand—who was the first to come to office, and leaders were dividing their small forces for attacks upon each other. The Trade Union movement in France, at most a small group, were utopian in their methods, seeing at one time a quick end to the system under which they made their living. The political power of the state seemed a temporary shelter for the capitalistic order.

This contrast between the Parliamentary conditions in England and France, and the weakness of Trade Union leaders in France, is important; for in England it meant there was a constant pressure for social legislation upon a party which could be held responsible for inaction. In France each party could devote great ingenuity to shifting position, exchanging votes, and bargaining for Cabinet posts. At the same time there was no unity in the French Labour movement, and within the political and industrial movements there were doctrinal disputes which make their congress and conference reports read like sessions of a divided religious sect. This contrast is also significant with regard to the setting up of standards of administration. The fact that in England the parties were agreed on the major principles of legislation, and these principles were accepted by the public opinion of the nation, gave administrative agencies confidence in carrying out the will of Parliament. The permanent officials knew there would be no quick reaction to legislation when there were changes of Government. The long life of the Liberal Government from 1905 to 1914 made it possible for administration of social legislation to become well organized in the departments responsible for enforcement, and also made it possible for Cabinet proposals to be studied over a fairly long period before the Government introduced them into the House of Commons.

The growth of political democracy in England and France by the close of the nineteenth century gave the electorate nominal control of the government. People believed they could use their political power to adjust the evils of the industrial system. There was both in England and France reaction to the political method, but this helped to balance the programme of the industrial and political labour sections rather than redirect them. The social legislation undertaken by the Parliaments of England and France shows how the wage-earner rapidly won political power, and how quickly the nineteenth century factory system produced the most serious prob-

lems of the social control of industry. Social legislation was one way the state found to adjust itself to the new order in industry, and was about the only way until industry and labour began to accept individual and joint responsibility for their actions.

The development then of the political Labour movement in England and France gives the opportunity of judging the capacity of the two movements to further not only the immediate aims of the workers but the community interests which are always a check upon special claims. The appeal to the electorate implies there is a willingness to persuade, to refer to the opinion of other men, and to abide by the decisions of the ballot box—until the next time. The point of view and the basis of appeal on which the political Labour movement has staked its claim for suffrage have widened progressively, and this has made the Labour party of England a national party. There has gone on what Shaw describes as the democratization of democracy. It has been pointed out that as the nineteenth century drew towards its close the struggle was no longer between the Manchester School and the Marxian Socialists.<sup>5</sup> The "economic man" was not so real as once he was, and there was a broader conception of citizenship inherent in the progress of popular government. The partition between politics and economics was broken down, and the conception of equality, says Professor G. P. Gooch, implicit in the "ideas of 1789," began to invade the economic sphere. "By a startling coincidence the extension of the franchise to the working classes synchronized with the growing conviction of the insufficiency of political power." It was thus that the British Labour movement and the French Labour movement had at the beginning of the century the difficult task of balancing the claims of political power and at the same time to aid in the direction of industrial organization which could more quickly achieve the aims of working class leaders. This success came first to England.

The democratic nature of the state has stamped on the English Labour movement the principle of progress by assent. To look for the fountain heads of the schools of English theory in Germany or France, or more lately in Moscow, is to neglect the profoundly true fact of the ever-changing spirit of British Socialism. Its whole tendency has been different to that found in other countries. The

<sup>5</sup> Cf. G. P. Gooch's essay in *England and the World*, pp. 140-141, "The Nineteenth Century," essays edited and arranged by F. S. Marvin.



political tendency in France and Germany in the Labour movement, and especially in the Socialist party, has been to be doctrinaire, uncompromising, and to so narrow their appeal that they become sects rather than parties. But the British Labour party has made very few stands, and thus has made few retreats; and the influence of the democratic spirit in the political Labour movement has largely influenced the changing conception of the place of Trade Unions in the social and industrial life of England. Their former chief claim to usefulness was that they were training schools of democracy, and post-war changes have made them necessary agencies of consultation in national industrial councils. Their development has proved the strength of the sources from which their power is derived.

#### IV

The growth of humanitarian sentiment should not be neglected in estimating the results of the years of social legislation. Strangely enough a war in which millions were killed made many people feel a kinship to their fellowmen. There must be reckoned the fact that human suffering has been greatly reduced through protective measures of legislation. England and France guard more wisely the resources of wealth in childhood and womanhood, and because of this the lives of all the people are kinder. Human suffering makes an irresistible appeal to the conscience of the nation, and no one can escape the appeal when it is given by radio and press and pulpit and school. The publicity of the hard lot of the miners and the unemployed has been given for ten years in England; but England is not callous: the good-will of the people is not exhausted. This humanitarian sentiment has always provided a solid support for legislative Acts intended to protect women and children, to safeguard the wage-earner in his home and in his work, and to provide some sort of security for his old age. Sickness and invalidity and unemployment have a tremendous human appeal, which Limehouse did not make of itself, and especially is this the case when year after year official sources have taught the nation the exact facts with regard to the working population. Perhaps no other single fact has so stirred the conscience of England as the knowledge that over one

million men have been on the unemployed registers each year for the past ten years. France has fortunately no such problem of unemployment.

The fight against poverty has been the cause of the workers' struggle for security, and this human appeal has called every fair-minded citizen to join in mitigating poverty's havoc in the life of the individual and in the community. Trade unionism has never failed to challenge poverty and has been the conservator of the gains made by the worker. It is only recently that a high standard of living for all the people has been joined with the question of national prosperity. But organized labour alone could not have carried to Parliament the public opinion of a nation aroused to the evils of sweated labour, the exploitation of children, the social wreckage of bad housing, the uncertainty of the pay envelope, and the curse upon the nation of old age in poverty. Royal Commissions, Factory and Health and Education Reports in England and France record the cost in human welfare of industrialism; then slowly a realization of the drain upon industry itself found expression in government documents and in trade reports. The resources of human waste were first a challenge, and then there was seen to be a costly bill for the nation to pay. Industrial unrest has been a phrase which has included much of the sense of dispossession, and this arose as a healthy protest against the limits which some would set to the relative advance of the working class when other groups in the community were considered. It was necessary for a way to be found out of the conflicts of industrialism, for empire and continental trade depended upon agreements being kept. The truth has thus been accepted that the working army is the first line of defence in the nation's industrial prosperity, and with this recognition has come the diminution of bitterness in labour disputes. A "satisfactory standard of living" has become not merely a Trade Union slogan but an ideal for a nation which has found its application for every worker and his family.

But how is this found to be working out in the social legislation of England and France? Has poverty diminished? Has social legislation as a national public policy raised the standards of living for the worker and his family? Is security against unemployment, the risks of being a wage-earner, and old age, a real security? The facts with regard to these problems can best be given by noting the total

expenditure under the Acts of Parliament which deal with these risks, and seeing to what extent the working population is covered. The principal forms of public social service to the community which may be taken into account here are those provided under the Unemployment Insurance Acts, the National Insurance (Health) Acts, the Housing of the Working Classes Acts, the Old Age Pensions Acts, and the Widows', Orphans' and Old Age Contributory Pensions Act. There are other Acts which have a direct bearing upon the welfare and happiness of the working class but they need not be taken into account in this present survey of expenditures. They do not directly seek to safe-guard against the risks of work.

The total expenditure on public social services under Acts of Parliament is a most interesting commentary on the questions just asked and may be given before a direct answer is attempted. These public social services of course largely had their beginning before the war, and Professor Henry Clay has emphasized the fact that the full significance of the social legislation of the pre-war decade has escaped notice, because the war supervened to stop development, and to prevent people from realizing, when development was resumed, that the post-war legislation was merely an extension, without any innovation of principle, of the pre-war schemes. The extension of social services provided by the state together with the combination of progressive taxation, has had the effect of transferring a considerable portion of income from the rich to the poor. The scheme of social services before the war was the policy of the state in dealing with poverty. The aim was not only to prevent misery and degradation, but to improve the standard of living of the working class and to remove the obvious risks which beset their lives. There must be caution in attempting comparisons over so short a period, but it is not to be doubted that a great improvement has come about in the raising of the wages of the lowest class. The wages of unskilled men have approximately doubled since 1914, while the cost of the minimum standard has not risen above 70 per cent. The greatest improvement has fortunately come just where it was most needed. In this connection the state has of course made a direct attack on low wages by the Trade Board Acts, the war-time Wage Orders, and post-war minimum wage legislation. Supporting legislation is of course in the Public Health and Education Acts, Housing Acts, better regulation of factories and workshops, and Old Age Pensions.

The risks of the worker's life, so often stressed in the pre-war debates in Parliament, have been met by the extension of the Workmen's Compensation, National Health Insurance, and Unemployment Insurance Acts, and the extension to widows and orphans. The provision that the public social services have made has been the means of maintaining unimpaired the standard of life of the working classes in spite of a great war and the most profound and prolonged industrial depression in the history of England. Fortunately there is some record of the social change in England which can be measured by the investigations of Booth, Rowntree and Bowley. A large part of Booth's *Life and Labour of the People of London* (begun in 1886) is now fortunately most serviceable as historical commentary and is not a guide to present day conditions; and the same is true of Mr. Seebohm Rowntree's *Poverty: A study of Town Life* (1901). Even a study made in 1913 of economic conditions of working-class households in five towns<sup>6</sup> by A. L. Bowley and A. R. Burnett-Hurst, in 1924 could be remade with the same standard of poverty adopted, and in spite of the extensive unemployment of 1924 the proportion of families in poverty was little more than half what it was in 1913.<sup>7</sup> With each succeeding study the defined minimum standards of living had undergone a real change. Poverty in 1930, while bitter and a menace to the welfare of the state, wears a different face than in 1886. Sir Josiah Stamp is convinced that it is broadly true to say that the ordinary person in 1913 was four times as well off in real commodities as the person in the corresponding place in the social scale in 1801.

What a Liberal member of the Government in 1911 designated in the debate on industrial unrest as "the mental sense of poverty" has increased, and this accounts for the fact that resentment to a status inequality has grown. Few informed students would differ from the belief of Professor Clay that even without the public social services there would have been slight improvement anyway in the social condition of England, but the power behind these changes has been the public social services of the state. Public policy must be credited with the chief part in the recent improvement, the most marked being in the past twelve years (when wealth per head has probably

<sup>6</sup> *Livelihood and Poverty* (1915).

<sup>7</sup> A. L. Bowley and Margaret H. Hogg, *Has Poverty Diminished? (A Sequel to Livelihood and Poverty)* (1925), p. 20.

declined), "and this improvement has taken place, because it is since the war that the full effect of pre-war legislation has been felt." Parliament has interfered materially with the distribution of wealth, has done much to secure a better distribution and has done more probably in the present century to solve the problem of poverty than any previous generation or any other country has been able to do.<sup>8</sup> What has been done under Acts of Parliament can be seen in the facts given below.

The Parliamentary Paper<sup>9</sup> on public social services printed in December, 1928 shows that in 1921 the expenditure under the Unemployment Insurance Acts was £9,701,027. This sum had increased in six years, 1927, to £47,756,973, and the total number of persons directly benefiting was 10,444,000. The National Insurance (Health) Acts in 1921 cost £26,370,000, and in 1927 had risen to £36,662,000, directly benefiting 15,350,000 people.

Expenditures on the scale of these just cited indicate the purpose of the government to maintain a standard of living for the working class which cannot be jeopardized by the risks of wage-earning.

<sup>8</sup> Cf. Henry Clay, *The Problem of Industrial Relations and other Lectures* (1929), pp. 258-259. This chapter, "The Authoritarian Element in Distribution" should be compared with chapters XIV and XVI of *A Survey of the Social Structure of England and Wales*, by A. M. Carr-Saunders and D. Caradog Jones, dealing with "Compulsory Transfer from Rich to Poor" and "Voluntary Transfer from Rich to Poor."

<sup>9</sup> This Parliamentary Paper (No. 16) from the Treasury (Sir Evelyn Cecil) Ordered by the House of Commons to be Printed, December 13, 1928, continued the Parliament Paper, No. 108 of the Session of 1927. The above figures are taken from pages 4-5 of the Paper, and are for England and Wales. Scotland is covered in the figures on pages 6-7. There are no similar figures for France. The Widows', Orphans' and Old Age Contributory Pensions Act benefited in 1927 374,000 under the Act, for whom £6,624,000 were expended. These three Acts may be classed as practically war and post-war Acts, for there was no expenditure under the Unemployment Insurance and the National (Health) Insurance Acts in 1911. But in the case of Old Age Pensions Acts and the Housing of the Working Classes Acts there are pre-war expenditures which may be contrasted to post-war years. Old Age Pensions in 1911 represented an expenditure of £6,299,931, which rose to £18,326,408 in 1921, and to £27,415,724 in 1927, directly benefiting in that year 1,189,000 pensioners. Under the Housing of the Working Classes Acts in 1911 £747,000 were spent, in 1921 £4,240,000, and in 1927 £19,883,000. The expenditures on the War Pensions Acts and the Ministry of Pensions Acts in 1927 were £54,073,252. A direct expenditure which has social significance was the expenditure in 1927 under the Education Acts of over eighty million pounds, approximately five times the sum spent in 1901 under the Education Acts, which was then £16,969,000.

These expenditures do not relate to the expenditures under the Public Health Acts, or to Acts for the Relief of the Poor, for which latter service the sum in 1927 amounted to £49,845,000. Professor Clay has estimated the expenditure on social services through state agencies in connection with the national wages bill, taking the years 1800, 1911, 1913 and 1924.<sup>10</sup> He has found that they would correspond approximately to 3.4 per cent. in 1800, 9.4 per cent. in 1911, 10.4 per cent. in 1913, and 14.7 per cent. in 1924. There is thus argument for the view that the greater part of public social services can be regarded as an addition to the real income of the wage-earning class. Taxation has become more progressive in this same period and this has helped to solidify the gains made by the working class. Indirect taxation has increased in England since the War, and it should be kept in mind that the workers in this form of taxation pay a substantial sum. The increasing social services of voluntary agencies in promoting all phases of national welfare are not to be overlooked in an estimate of the cumulative value of the public social services. A most interesting illustrative point may be here added with regard to the total deposits in the various thrift organizations in England, which the Chancellor of the Exchequer (Mr. Snowden) estimated in 1929 as amounting to £1,500,000,000. There is no doubt about it, he said the bulk of these funds belong to people of the manual labour class.<sup>11</sup>

A higher standard of living has gradually increased the number of citizens among the working class who can avail themselves of the opportunities of co-operation in community life as equal partners. The effects are to be judged not only in the protection given to the working class, and through them to the whole nation, and the addition to their real income through public social services; but in the general promotion of good living which makes a nation strong in all its parts.

## V

This study has shown that the progress which the state has made in using voluntary and extra-governmental agencies in the study

<sup>10</sup> *Op. cit.*, p. 248. His most suggestive chapter should be consulted for the analysis of these figures.

<sup>11</sup> Address before the International Thrift Congress in London, on "The Nation's Savings," London *Times*, October 9, 1929, p. 8.

of social legislation and the administration of labour law is an outstanding feature of modern Acts of Parliament. The development of this part of present day administration is common to the history of social legislation in England and France. The creation of consultative and advisory institutions, whose duty is to serve the government, marks a beginning of a new era in national social policy. It is a democratic effort by the state in England and France to meet the needs of new industrial organization. It is a different kind of state intervention, based primarily not on legislation but on the principle of discussion among all the factors in national production. In England the strength of organization and the practical results achieved in the past by combined effort gives the idea its influence; while in France the appeal is to both the industrialist and the workers, who have been cursed in the past with an unreasoning individualism, the evil effects of which are mitigated when the two factions can work together. Employers' and workers' associations, and all agencies of trade and commercial interest, having competence with reference to subjects dealt with by the state through legislation, have been called upon to be "councillors of state." This has proved a steadying influence on the Labour movement in England and France, and the recognition of common responsibilities has been a liberalizing solvent of the class consciousness of the workers and the industrialists. Also this development of a national responsibility has made it necessary for the employers' and the workers' organizations to present their whole case to the people, and there has been a more critical examination of party programmes. The difficulty of democracy's industrial questions has slowly come home to the consciousness of more people. There has begun a wider service of usefulness which the groups within the state can render in organizing and administering the industrial system, and gradually there is an enlarging ideal of common service which may transform the whole conception of rights and duties in industry.

The history of such institutions as the *Conseil Supérieur du Travail* in France, and the dependence of Governments upon Royal Commissions in England, as well as the voluntary surveys of organizations, shows how important the consultative function is in modern government. The whole-hearted support of the French National Economic Council by the French General Confederation of Labour is an aspect of national co-operation which is interpretative of

post-war developments in France. The Trade Union Congress in England has for some years advocated such a National Advisory Economic Council. The discussion of this problem in both countries centring upon a National Economic Council, constituted for expert advice, with special duties of consultation and investigation, has often suggested the important question of the representation of economic interests directly as such in Parliament. The advocacy of such a principle has most often been founded on the conviction that political institutions are functioning inadequately today, because of their inherent incapacity to organize the economic régime; or, else again, because of the corrupting influence of class interests exploited by politicians. There is less argument heard today for an economic or industrial Parliament, in both England and France, than in the first years after the war. There is more evidence now that some industrial questions will increasingly have to be considered broadly in their political aspect, and the growth of the conviction that industrial prosperity is both a national and international problem makes it impossible to plead a simple solution for economic ills. The World Economic Conference in 1927 in Geneva certainly followed the best thinking of the leaders in national industry by putting in a foremost place the larger question of the markets of the world, and the tendencies and developments which will likely shape the development of future policy. This was a basis for the work of the Balfour Committee on Industry and Trade, which furnished material aid to the documentation for the World Economic Conference. It was emphasized in the appointment in 1929 by the Chancellor of the Exchequer in a Labour Government, Mr. Snowden, of the Committee of Inquiry into Finance and Industry, known by the name of its chairman, the Macmillan Committee. The terms of reference to the Committee were:—To inquire into banking, finance, and credit, paying regard to the factors both internal and international which govern their operation, and to make recommendations calculated to enable these agencies to promote the development of trade and commerce and the employment of labour. The fact that both the Balfour and the Macmillan Committees were appointed by a Labour Government, the first in 1924 and the latter in 1929, indicates that a broad political policy as distinct from a strictly industrial organization of national life will be the policy of Labour Governments. This was confirmed when the Government of Mr.



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MacDonald created a National Advisory Economic Council and attached it to the office of the Prime Minister, as is the case in France of the National Economic Council.

The decreased interest in a Parliament of Industry, certain features of which were outlined in the writings of the Guild Socialists, and the Webbs' discussion in *A Constitution for the Socialist Commonwealth of Great Britain* (1920) of the *social* Parliament sharing power with the *political* Parliament, is no doubt due to the remarkable progress made in self-government through co-operation by the national organizations of the workers and the employers. The rights of the worker are today defended by his Trade Union in their representative capacity, and it is taken for granted that everything that can contribute to the power of the workers' organizations in their agency of representation is of direct help in establishing democratic control. This of course implies that they have a bargaining position which is not unequal to the employers' position, who are likewise able to make authoritative agreements over a whole industry.

This is not a lesser usefulness for Parliament, where it is a fact that popular representation has introduced increasing competence with regard to the content of modern legislation, for men legislate best upon what they know most about. The importance of national advisory institutions, besides the direct aid they give to the development and administration of social legislation, is that they will in time free the state for more congenial duties of national political significance. They are of industrial value because they are competent representatives of economic interests, and they possess a political use because they are collaborators with the government. This is in itself an incalculable advantage, for the strain upon democratic institutions since Parliament has had to give a great deal of attention to the attempt to direct industrial organization, has often endangered the progress of Parliamentary institutions in France and England. But the state by advancing the control of industry by the workers and employers directly concerned, maintaining its own rights as guardian of all interests, has widened the whole basis of active democratic co-operation in the modern community. The increasing acceptance by the state of the rights of groups within the state to be heard on all questions which concern them, is proof that democratic government can use the special services and work through the

institutional agencies of the organizations whose interests are not, and need never appear to be, antagonistic to the welfare of the whole people. The advisory institutions have not failed to create a favourable condition for the development of a national social policy based upon interests which are larger than any one group can defend as their own.

The creation of labour councils, joint industrial committees, and national economic boards, could hardly have occurred before the war. The social consciousness of every group was not sufficiently developed and the necessity was not clearly enough realized. The war had a great part in creating a spirit of national solidarity in England and France. Dislocation and continued depression after the war showed how essential co-operative action was for national recovery. The surveys and the investigations and the continued administration of social legislation gave a great body of material which Parliament and industry and labour had for their guidance. Interests have been pooled for the common good. But at the same time two important facts are accepted. First, that an Act of Parliament is often nothing more than an experiment, representing the hope that good may come. Limitations are seen in the usefulness of compulsory action as higher standards are accepted by a common consent in the industrial councils of the nation. Today the power of the state is needed more as a co-operative agency to initiate and to stimulate action. Industry and labour have come of age in the new industrialism, and are willing to take their share of responsibility in the common problem of national welfare. Second, there is an appreciation of the fact that the fullest freedom of action and the quickest results, as well as the most abiding, may come from voluntary efforts. The facing of responsibility for the nation's welfare has steadied the purpose of many groups in both France and England who perhaps never before have seen their part in the prosperity of the nation so clearly nor recognized their duty so plainly. And, finally, this change could not have taken place if organized labour had not been given a prestige which long years of struggle justify; until Labour had power there was no bargaining in its name. Labour has come to power by the same means that every other group in the community has reached a place of decisive influence, by knowing what it wanted and by sharing in the national life because its power was a real expression of the needs of men and women.

The use of the workers' and employers' associations as the electoral units for the selection of members of the advisory and consultative bodies co-operating with the government, and their acknowledged function as representative agencies, marks an important evolution in the labour policy of the workers and employers and the state. Such development in working out social and economic policy in England and France has been a means of vindicating the aims of democratic government, and as the representative associations of workers and employers have been given larger powers the beginnings of a new social policy in the national community have been seen. This will be a social policy directly resulting from the voluntary co-operation of responsible factors in the nation's welfare. This has already meant that there is a change in the standards by which social legislation is judged; for there is a different quality about the things which are demanded for security, increasing the whole content of what is a standard of life, but there is a more important difference in the way by which organized power has expressed itself in public policy. This has meant a new status for the worker as a citizen in the national community. And as the representative character of workers' and employers' associations has increased there has been the necessity for a better internal discipline and for a study of the facts of modern industry. Not only has this been demanded if they were to be keen bargainers for their own special interests, but it has been made imperative by the growth of public interest in social questions. This has made it certain there would be a critical reading of official statements of policy by an intelligent public opinion which would in the long run hold the balance of power in the national community.

This remarkable development in the social politics of England and France thus explains the fact that the distinctively new achievements in social policy since 1920 in these countries have not been in the Parliaments at Paris and London, but in the independent action of industry and labour themselves. In this fact lies the soundest argument against those critics of social legislation who see in the advance of security for the worker a menace both in the so-called status it creates for the worker as a privileged person, and in the cost it levies both upon social vision which plans a stronger nation and the financial burdens which a complex industrial society must meet to protect human life. Social legislation today is not considered

by the workers of England and France as part of the bondage which they must accept as workers, given to them by a benevolent state to keep them safe in their status as producers. The policies of the French General Confederation of Labour and the British Trade Union Congress prove that in the period during which a progressive standard of security for the worker was put on the statute books there was the greatest energy in developing a powerful movement among the workers for a new society.

The progress that has thus far been made gives promise to a new creative period in the democracies of England and France in what will be demanded from their national systems of social legislation and administration. The question today is how the larger objects which are represented in the public social services can be more fully attained, and in what fresh ways national energy can be conserved and increased. There is determination that the public social services be better organized and this determination reflects itself in a critical attitude both on the part of workers and on the part of the general public. The ideals which have been dominant in the development of social legislation in England and France have put in the first place the worth of the individual as a worker and a citizen, and his welfare has not been divorced from the security of the national community as a whole. It is not likely that at the time when these national ideals have the fullest support from the great body of the working class that they will prove to be less creative than when they were first dimly seen by a people striving for a better way of living.

It is important to keep in mind that post-war progress in England and France has taken place in a period of unusual difficulty and complexity. Immediately after the war the financial chaos of that time, with bankrupt nations and fluctuating currencies, made conditions of peace and prosperity impossible. The world saw currencies wasted, factories idle, workers unemployed; but five or six years of returning peace brought prosperity. In fact by 1926, it was pointed out by the World Economic Conference, called by the League of Nations in 1927, that the average level of prosperity was higher than before the war. Information given the World Economic Conference pointed to the conclusion that, up until 1925, there had been a slow recovery in Europe from the effect of the war, while in other countries the progress was much greater. In the year 1926 the economic recovery in Europe was checked by the long stoppage of coal production in

the United Kingdom and by continuing currency fluctuations. But during the year 1927, the annual report in 1928 of the Economic Consultative Committee of the League of Nations pointed out, that the improvement in general conditions was greater than in any year since the war. It should be remembered that, in the decades before the war, production, trade and the standard of living had been making headway year by year, and that it was not a very satisfactory statement that all one could say in 1928 was that ten years after the war the international trade of Europe had at last recovered to about the pre-war level. This, however, was the fact.

But however remarkable has been the post-war reconstruction of Europe, and the unceasing struggle of England and France to maintain a rising standard of living, the significant development of these post-war years in the field of social politics is the creation and use of the machinery of conference and consultation through the League of Nations and the International Labour Office. This is a contrast with the world of labour of England and France of 1900. Year by year since the first International Labour Conference at Washington in 1919, there has been an increasing importance in the international aspects of economic and industrial questions. Men of goodwill and common sense have had a machinery of economic and political peace to use, day in and day out, year in and year out, and this is the sharp difference between the pre-war years and the post-war years. The future peace and prosperity, of commerce and industry, of labour and trade depends upon the development of this machinery of co-operation which 54 nations of the world are pledged to support. From the Washington Conference of 1919 through the Thirteenth Conference at Geneva in 1930 there have been 29 International Labour Conventions drawn up for ratification by the member states of the International Labour Conference. In addition there have been 33 Recommendations concerning conditions of labour adopted at the thirteen sessions of the International Labour Office. France and England ratified 15 of the 29 International Labour Conventions, between 1919 and 1930. Annual reports of the administration of these International Labour Conventions are required, and through 1929 France had submitted to the International Labour Office 13 annual reports on Conventions, and England had submitted 51. As the development of a national social policy in France and England has shown the increasing confidence of the two democracies in the

concentration of social control, there may be a determined conviction that international control must be used more effectively to safeguard the liberties of the workers and all peoples.

France and England have gained much from each other in the past, and there is reason to believe that in the working out of the common problems of modern democracy they will learn from each other again. They will also help to create for the whole world ideals of freedom, and these ideals expressing themselves in different institutions, according to the needs and temperaments of the two peoples, will give confidence everywhere in the practice of democratic government. France with her passionate devotion to idealism, her militant enthusiasm for causes, will always freshen the conception of men about their governments. England, holding fast to her practical way of working out difficulties, will none the less strengthen anew the foundations of belief everywhere in popular government. The world would be infinitely a poorer place without the traditions and the character of the peoples of England and France.



# REFERENCE TABLE OF STATUTES

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<i>Date</i>	<i>Short Title</i>	<i>Reference</i>
1800	Combination Act	40 Geo. III c.19.
1802	Health and Morals of Apprentices Act	42 Geo. III c.73.
1817	Combination Act	57 Geo. III c.19.
1819	Factory Act	59 Geo. III c.66.
1820	Factory Act	60 Geo. III c.5.
1824	Combination Act	5 Geo. IV c.95.
1825	Factory Act	6 Geo. IV c.63.
1825	Combination Act	6 Geo. IV c.129.
1830	Factory Act	10 Geo. IV c.51.
1830	Factory Act	10 Geo. IV, c.63.
1831	Factory Act	1 & 2 Will. IV c.39.
1833	Factory Act	3 & 4 Will. IV c.103.
1834	New Poor Law Amendment Act	4 & 5 William c.76.
1842	Lord Ashley's Act (Mines)	5 & 6 Vict. c.49.
1844	Factory Act	7 & 8 Vict. c.15.
1845	Print Works Act	8 & 9 Vict. c.29.
1845	Hosiery Act	8 & 9 Vict. c.77.
1845	Silk Weavers Act	8 & 9 Vict. c.128.
1846	Fatal Accidents Act	9 & 10 Vict. c.93.
1847	Factory (Ten Hours) Act	10 Vict. c.29.
1850	Factory Act	13 & 14 Vict. c.54.
1850	Inspection of Coal Mines Act	13 & 14 Vict. c.100.
1851	Labouring Classes (Lodging Houses) Act	14 & 15 Vict. c.34.
1855	Dwelling Houses (Scotland) Act	18 & 19 Vict. c.88.
1855	Inspection of Coal Mines Act	18 & 19 Vict. c.108.
1860	Bleach and Dye Works Act	23 & 24 Vict. c.78.
1860	Regulation and Inspection of Mines Act	23 & 24 Vict. c.151.
1861	Lace Works Act	24 & 25 Vict. c.117.
1862	Open Air Bleachfields Act	25 & 31 Vict. c.103.
1862	Mines Act	25 & 26 Vict. c.79.
1863	Calendering and Finishing Act	26 & 27 Vict. c.38.
1864	Bleach and Dye Works Act	27 & 28 Vict. c.98.
1864	Factory (Dangerous Trades) Act	27 & 28 Vict. c.118.
1866	Labouring Classes (Dwelling Homes) Act	29 & 30 Vict. c.28.
1866	Labour Classes' Lodging Houses and Dwellings (Ireland) Act	29 & 30 Vict. c.44.
1867	Factory (Extension) Act	30 & 31 Vict. c.103.
1867	Workshop Regulation Act	30 & 31 Vict. c.146.
1868	Labourers' Dwelling Act	31 & 32 Vict. c.130.



<i>Date</i>	<i>Short Title</i>	<i>Reference</i>
1870	Elementary Education Act	33 & 34 Vict. c.75.
1871	Trade Union Act	34 & 35 Vict. c.31.
1872	Coal Mines Regulation Act	35 & 36 Vict. c.76.
1872	Metalliferous Mines Regulation Act	35 & 36 Vict. c.77.
1874	Factory Act	37 & 38 Vict. c.44.
1874	Hosiery Manufacture (Wages) Act	37 & 38 Vict. c.48.
1875	Artizans' and Labourers' Dwellings Improvement Act	38 & 39 Vict. c.36.
1875	Metalliferous Mines Regulation Act	38 & 39 Vict. c.39.
1875	Artizans' and Labourers' Dwellings Improvement (Scotland) Act	38 & 39 Vict. c.49.
1875	Public Health Act	38 & 39 Vict. c.55.
1875	Conspiracy and Protection of Property Act	38 & 39 Vict. c.86.
1875	Employer and Workmen Act	38 & 39 Vict. c.90.
1876	Trade Union Amendment Act	39 & 40 Vict. c.22.
1876	Education Act	39 & 40 Vict. c.79.
1878	Factory and Workshops (Consolidation) Act	41 Vict. c.16.
1879	Amending Act (1868)	42 & 43 Vict. c.8.
1879	Artizans' and Labourers' Dwellings Improvement Act	42 & 43 Vict. c.63.
1879	Artizans' and Labourers' Dwellings (1868) Amendment Act	42 & 43 Vict. c.64.
1880	Artizans' and Labourers' Dwellings Improvement Act for Scotland	43 Vict. c.2.
1882	Artizans' Dwelling Act	45 & 46 Vict. c.54.
1885	Housing of the Working Classes Act	48 & 49 Vict. c.72.
1887	Small Holdings and Allotments Act	50 & 51 Vict. c.48.
1887	Coal Mines Regulation Act	50 & 51 Vict. c.58.
1890	Public Health (Amendment) Act	53 & 54 Vict. c.59.
1890	Small Holdings and Allotments Act	53 & 54 Vict. c.65.
1890	Housing of the Working Classes Act	53 & 54 Vict. c.70.
1891	Public Health (London) Act	54 & 55 Vict. c.50.
1892	Shops Regulation Act	55 & 56 Vict. c.62.
1893	Industrial and Provident Societies Act	56 & 57 Vict. c.39.
1894	Outdoor Relief (Friendly Societies) Act	57 & 58 Vict. c.25.
1894	Prevention of Cruelty to Children Act	57 & 58 Vict. c.41.
1895	Factory and Workshops Act	58 & 59 Vict. c.37.
1896	Conciliation Act	59 & 60 Vict. c.30.
1897	Workmen's Compensation Act	60 & 61 Vict. c.37.
1899	Seats for Shop Assistants Act	62 & 63 Vict. c.21.
1899	Small Dwellings Acquisition Act	62 & 63 Vict. c.44.
1900	Mines (Prohibition of Child Labour Underground) Act	63 & 64 Vict. c.21.
1900	Workman's Compensation (Agriculture) Act	63 & 64 Vict. c.22.
1900	Railway Employment (Prevention of Accidents) Act	63 & 64 Vict. c.27.
1900	Merchant Shipping (Liability of Shipowners and others) Act	63 & 64 Vict. c.32.
1900	Housing of the Working Classes Act	63 & 64 Vict. c.59.
1901	Factory and Workshop Act	1 Edw. VII c.22.

<i>Date</i>	<i>Short Title</i>	<i>Reference</i>
1902	Labour Bureaux (London) Act	2 Edw. VII c.13.
1903	Coal Mines Regulation Act, 1887 (Amendment) Act	3 Edw. VII c.7.
1903	Housing of the Working Classes Act	3 Edw. VII c.39.
1903	Employment of Children Act	3 Edw. VII c.45.
1904	Prevention of Cruelty to Children	4 Edw. VII c.15.
1904	Shop Hours Act	4 Edw. VII c.31.
1904	Outdoor Relief (Friendly Societies) Act	4 Edw. VII c.32.
1905	Aliens Act	5 Edw. VII c.13.
1905	Unemployed Workmen Act	5 Edw. VII c.18.
1906	Trade Disputes Act	6 Edw. VII c.47.
1906	Census of Production Act	6 Edw. VII c.49.
1906	Notices of Accidents Act	6 Edw. VII c.53.
1906	Education (Provision of Meals) Act	6 Edw. VII c.57.
1906	Workmen's Compensation Act	6 Edw. VII c.58.
1907	Employment of Women Act	7 Edw. VII c.10.
1907	Factory and Workshop Act	7 Edw. VII c.39.
1907	Education (Administrative Provisions) Act	7 Edw. VII c.40.
1907	Education Act	7 Edw. VII c.40.
1907	Notification of Births Act	7 Edw. VII c.40.
1907	Public Health (Amendment) Act	7 Edw. VII c.53.
1907	Probation of Offenders Act	7 Edw. VII c.53.
1907	Small Holdings and Allotments Act	7 Edw. VII c.54.
1908	Small Holdings and Allotments (Consolidating) Act	8 Edw. VII c.36.
1908	Old Age Pensions Act	8 Edw. VII c.40.
1908	White Phosphorous Matches Prohibition Act	8 Edw. VII c.42.
1908	Coal Mines Regulation Act	8 Edw. VII c.57.
1908	Children's Act	8 Edw. VII c.67.
1909	Labour Exchanges Act	9 Edw. VII c.7.
1909	Local Education Authorities (Medical Treatment) Act	9 Edw. VII c.13.
1909	Workmen's Compensation (Anglo-French Convention) Act	9 Edw. VII c.16.
1909	Trade Boards Act	9 Edw. VII c.22.
1909	Housing and Town Planning Act	9 Edw. VII c.44.
1909	Development Act	9 Edw. VII c.47.
1910	Finance (1909-1910)	10 Edw. VII c.8.
1910	Children's Act (Amendment) Act	10 Edw. & 1 Geo. V. c.25.
1910	Small Holdings and Allotments (Amendment) Act	10 Edw. & 1 Geo. V. c.34.
1910	Education (Choice of Employment) Act	10 Edw. & 1 Geo. V. c.37.
1911	Parliament Act	1 & 2 Geo. V c.13.
1911	Old Age Pensions (Amendment) Act	1 & 2 Geo. V c.16.
1911	Factory and Workshop (Cotton Cloth Factories) Act	1 & 2 Geo. V c.21.
1911	Small Landowners (Scotland) Act	1 & 2 Geo. V c.49.
1911	Coal Mines Act	1 & 2 Geo. V c.50.
1911	Shops Regulations Act	1 & 2 Geo. V c.54.
1911	National Insurance Act	1 & 2 Geo. V c.55.
1912	Coal Mines (Minimum Wage) Act	2 Geo. V c.2.
1912	Shop Hours Act	2 Geo. V c.3.

<i>Date</i>	<i>Short Title</i>	<i>Reference</i>
1913	Shops Act	3 & 4 Geo. V c.24.
1913	Trade Union Act	3 & 4 Geo. V c.30.
1913	Industrial and Provident Societies (Amendment) Act	3 & 4 Geo. V c.31.
1913	National Insurance (Amendment) Act	3 & 4 Geo. V c.37.
1914	Education (Provision of Meals) Act (Amendment) Act	4 & 5 Geo. V c.20.
1914	Coal Mines Act	4 & 5 Geo. V c.22.
1914	National Insurance (Amendment) Act	4 & 5 Geo. V c.57.
1914	National Insurance (Navy and Army) Act	4 & 5 Geo. V c.81.
1914	National Insurance (Navy and Army) (Session 2) Act	5 Geo. V c.15.
1915	National Insurance (Part I Amendment) Act	5 Geo. V c.29.
1915	National Insurance (Part II Amendment) Act	5 Geo. V c.27.
1915	Munitions of War Act	5 & 6 Geo. V c.54.
1915	Notification of Births	5 & 6 Geo. V c.64.
1915	Ministry of Labour	6 & 7 Geo. V c.68.
1915	Rent Restriction Act	
1916	National Insurance (Extension abroad) Act	6 & 7 Geo. V c.20.
1916	Police, Factories, etc. (Miscellaneous Provisions) Act	6 & 7 Geo. V c.31.
1916	National Insurance (Temporary Employment in Agriculture) Act	6 & 7 Geo. V c.53.
1916	Munitions of War (Amending) Act	5 & 6 Geo. V c.99.
1917	National Insurance (Part I Amendment) Act	7 & 8 Geo. V c.15.
1917	Courts (Emergency Powers) Act	7 & 8 Geo. V c.25.
1917	Workmen's Compensation (War Addition) Act	7 & 8 Geo. V c.42.
1917	Munitions of War Act	7 & 8 Geo. V c.45.
1917	Corn Production Act	7 & 8 Geo. V c.46.
1918	Increase of Rent and Mortgage Interest (Amendment) Act	8 Geo. V c.7.
1918	Workmen's Compensation (Illegal Employment) Act	8 & 9 Geo. V c.8.
1918	Workmen's Compensation (Silicosis) Act	8 & 9 Geo. V c.14.
1918	Trade Boards Act	8 & 9 Geo. V c.32.
1918	Corn Production (Amending) Act	8 & 9 Geo. V c.36.
1918	Education Act	8 & 9 Geo. V c.39.
1918	Wages (Temporary Regulation) Act	8 & 9 Geo. V c.61.
1918	National Health Insurance Act	7 & 8 Geo. V c.62.
1918	National Insurance (Unemployment) Act	7 & 8 Geo. V c.63.
1918	Maternity and Child Welfare Act	8 & 9 Geo. V c.64.
1919	Coal Industry Commission Act	9 & 10 Geo. V c.1.
1919	Wages (Temporary Regulation) Act	9 & 10 Geo. V c.18.
1919	Ministry of Health Act	9 & 10 Geo. V c.21.
1919	Housing, Town Planning, etc. Act	9 & 10 Geo. V c.35.
1919	National Health Insurance Act	9 & 10 Geo. V c.36.
1919	Coal Mines Act	9 & 10 Geo. V c.48.
1919	Ministry of Transport Act	9 & 10 Geo. V c.50.
1919	Checkweighing in Various Industries Act	9 & 10 Geo. V c.51.
1919	Land Settlement (Facilities) Act	9 & 10 Geo. V c.59.

<i>Date</i>	<i>Short Title</i>	<i>Reference</i>
1919	Housing, Town Planning, etc. (Scotland) Act	9 & 10 Geo. V c.60.
1919	Courts (Emergency Powers) Amendment Act	9 & 10 Geo. V c.64.
1919	Industrial Courts Act	9 & 10 Geo. V c.69.
1919	Unemployment Insurance Act	9 & 10 Geo. V c.77.
1919	Workmen's Compensation (War Additions) Act	9 & 10 Geo. V c.83.
1919	Profiteering (Continuance) Act	9 & 10 Geo. V c.87.
1919	Housing (Additional Powers) Act	9 & 10 Geo. V c.99.
1919	Old Age Pensions Act	9 & 10 Geo. V c.102.
1919	Increase of Rent Amendment Act	
1920	Coal Mines (Emergency) Act	10 Geo. V c.4.
1920	National Health Insurance	10 & 11 Geo. V c.10.
1920	Profiteering (Amendment) Act	10 & 11 Geo. V c.13.
1920	Unemployment Insurance Act	10 & 11 Geo. V c.30.
1920	Blind Persons (Old Age Pensions) Act	10 & 11 Geo. V c.49.
1920	Mining Industry Act	10 & 11 Geo. V c.50.
1920	Unemployment Relief Works	10 & 11 Geo. V c.67.
1920	Shops (Early Closing) Act	10 & 11 Geo. V c.58.
1920	Women and Young Persons (Employment in Lead Processes)	10 & 11 Geo. V c.62.
1920	Employment of Women, Young Persons and Children	10 & 11 Geo. V c.65.
1920	Agricultural Act	10 & 11 Geo. V c.76.
1920	Unemployed Insurance (Temporary Provisions) Amendment Act	10 & 11 Geo. V c.82.
1920	Price of Coal (Limitation) Act	
1921	Unemployment Insurance	11 Geo. V c.1.
1921	Coal Mines (Decontrol) Act	11 Geo. V c.6.
1921	Unemployment Insurance Act (No. 2)	11 & 12 Geo. V c.15.
1921	Housing Act	11 & 12 Geo. V c.19.
1921	National Health Insurance Act	11 & 12 Geo. V c.25.
1921	Corn Production Acts (Repeal) Act	11 & 12 Geo. V c.48.
1921	Education Act	11 & 12 Geo. V c.51.
1921	Shops (Early Closing Act, 1920) (Amending) Act	11 & 12 Geo. V c.60.
1921	Unemployed Workers Dependents (temporary Provisions)	11 & 12 Geo. V c.62.
1921	National Health Insurance (Prolongation of Insurance) Act	11 & 12 Geo. V c.66.
1922	Unemployment Insurance Act	12 Geo. V c.7.
1922	Unemployment Insurance (No. 2) Act	12 & 13 Geo. V c.30.
1922	National Health Insurance Act	12 & 13 Geo. V c.38.
1923	Unemployment Insurance Act	13 Geo. V c.2.
1923	Increase of Rent and Mortgage Interest Restrictions (Continuance) Act	13 & 14 Geo. V c.7. and c.32.
1923	Housing, Town Planning etc., Act	13 & 14 Geo. V c.24.
1923	Workmen's Compensation Act	13 & 14 Geo. V c.42.
1924	Unemployment Insurance Act	14 Geo. V c.1.
1924	Unemployment Insurance Act (No. 3)	14 Geo. V c.6.
1924	National Health Insurance (Cost of Medical Benefit)	14 & 15 Geo. V c.10.

<i>Date</i>	<i>Short Title</i>	<i>Reference</i>
1924	Old Age Pensions Act	14 & 15 Geo. V c.33.
1924	Housing (Financial Provisions) Act	14 & 15 Geo. V c.35.
1924	Agricultural Wages (Regulation) Act	14 & 15 Geo. V c.37.
1924	National Health Insurance Act	14 & 15 Geo. V c.38.
1924	Workmen's Compensation (Silicosis) Act	14 & 15 Geo. V c.40.
1925	Housing Act	15 Geo. V c.14.
1925	Housing Act (Scotland)	15 Geo. V c.15.
1925	Town Planning Act	15 Geo. V c.16.
1925	Town Planning Act (Scotland)	15 Geo. V c.17.
1925	Rent and Mortgage Interest (Restrictions Continuation) Act	15 & 16 Geo. V c.32.
1925	Allotments Act	15 & 16 Geo. V c.61.
1925	Unemployment Insurance (Amendment) Act	15 & 16 Geo. V c.69.
1925	Widows', Orphans' and Old Age Contributory Pensions Act	15 & 16 Geo. V c.70.
1925	Mining Industry (Welfare Fund)	15 & 16 Geo. V c.80.
1925	Workmen's Compensation Act	15 & 16 Geo. V c.84.
1926	Unemployment Insurance	16 & 17 Geo. V c.12.
1926	Coal Mines Act	16 & 17 Geo. V c.18.
1926	Mining Industry Act	16 & 17 Geo. V c.28.
1926	Lead Paint (Protection against Poisoning) Act	16 & 17 Geo. V c.37.
1926	Workmen's Compensation (No. 2) Act	16 & 17 Geo. V c.42.
1926	Small Holdings and Allotments Act	16 & 17 Geo. V c.52.
1926	Housing (Rural Workers) Act	16 & 17 Geo. V c.56.
1927	Poor Law Act	17 & 18 Geo. V c.14.
1927	Workmen's Compensation (Transfer of Funds) Act	17 & 18 Geo. V c.15.
1927	Trade Disputes and Trade Unions Act	17 & 18 Geo. V c.22.
1927	Unemployment Insurance Act	17 & 18 Geo. V c.30.
1928	Representation of the People (Equal Franchise)	18 & 19 Geo. V c.12.
1928	National Health Insurance Act	18 & 19 Geo. V c.14.
1928	Shops (Hours of Closing) Act	18 & 19 Geo. V c.33.

Organisation of the Ministry of Labour

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The headquarters of the Ministry is divided into six main departments as follows:—

- (1) *Unemployment Insurance Department* responsible for the administration of the Unemployment Insurance Acts, 1920–1930.
- (2) *General Department*
  - (a) Trade Boards Acts, 1909 and 1918
  - (b) International Labour Organization
  - (c) Labour Statistics
  - (d) Industrial Relations
  - (e) Conciliation Act, 1896
  - (f) Industrial Courts Act, 1919
  - (g) Joint Industrial Councils (Whitley Councils)
- (3) *Employment and Training Department*
  - (a) General Problems affecting industrial employment
  - (b) Local Employment Committees
  - (c) Labour Exchanges Act, 1909
  - (d) Industrial Transference within Great Britain
  - (e) Training and Transfer Instructional Centres
  - (f) Overseas Settlement (Empire Settlement Act, 1922)
  - (g) Aliens Order, 1920
  - (h) Civil Liabilities
  - (i) King's Roll
  - (j) Juvenile Employment including  
National Advisory Councils,  
Juvenile Advisory Committees, and relations with Education  
Authorities
  - (k) Unemployment Grants Committee (Development (Loan Guarantees and Grants) Act, 1929)
- (4) *Services and Establishments Department*
  - (a) Appointment, maintenance and control of staff and premises
  - (b) General Services, including Printing, Stationery and Stores
  - (c) Inspection
  - (d) Departmental Whitley Council and Staff Associations
- (5) *Finance Department*. Finance and accounts
- (6) *Solicitor's Department* dealing with legal questions.

There are about 1,160 Local Offices of the Ministry throughout Great Britain grouped in seven Divisions each with a Divisional Headquarters.

There are six outstation offices of the section of General Department responsible for industrial relations.

## FRANCE.

### APPENDIX II

Ministry of Labour, Public Health, Assistance  
and Social Welfare  
(Ministère du Travail, de l'Hygiène, de l'Assistance et de  
la Prévoyance sociales.)

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#### ACTURIAL SERVICE

Study of technical questions relating to workers' pensions, miners' pensions, mutual aid societies; fixing of scales; tables of mortality, sickness and invalidity.

#### DIRECTORATE OF LABOUR

1st Bureau: Labour office; unemployment and employment exchanges.

2nd Bureau: Regulation of labour and wages.

3rd Bureau: Industrial hygiene and safety.

4th Bureau: Industrial associations; *Conseils de Prud'hommes*; employment contracts.

Labour Inspection.

Central Employment Office.

Inspection and Supervision of Foreign Labour.

Employment office for the Auxiliary Staff in Public and Private Administrative Offices.

Regional Employment Offices: Paris, Lille, Nantes, Lyons, Marseilles, and Toulouse.

#### DIRECTORATE OF WORKERS' AND PEASANTS' PENSIONS

1st Bureau: General administration and legal department.

2nd Bureau: Payments.

3rd Bureau: Technical supervision.

#### CONSULTATIVE COMMISSION ON INTERNATIONAL CONVENTIONS

Ensures the co-ordination of the various departments concerned in the preparation and carrying out of international labour and social welfare conventions and the application of Part XIII of the Peace Treaty, especially with regard to the instructions to the French Government delegates to the General Conference and Governing Body of the International Labour Office.

#### DIRECTORATE OF ASSISTANCE AND PUBLIC HEALTH

Public health and general hygiene (industrial and vocational hygiene).

DIRECTORATE AND GENERAL ADMINISTRATION OF MUTUAL BENEFIT  
SOCIETIES AND SOCIAL WELFARE

I. GENERAL ADMINISTRATION

1st Bureau: Establishment and internal organisation.

2nd Bureau: Budget and accountancy.

II. MUTUAL BENEFIT SOCIETIES

3rd Bureau: General administration of societies.

4th Bureau: Subsidies, pensions and statistics of societies.

III. SOCIAL WELFARE

5th Bureau: Cheap dwellings.

6th Bureau: Housing.

7th Bureau: Savings banks.

COUNCILS AND COMMISSIONS

Superior Public Health Council.

Superior Public Assistance Council.

Superior Council for Cheap Dwellings.

Superior Commission on Savings Banks.

Superior Council of Mutual Benefit Societies.

EXTERNAL SERVICES

GENERAL STATISTICAL OFFICE OF FRANCE AND SERVICE  
OF OBSERVATION OF PRICES

Statistics of population; industrial, economic, and social statistics; observation of prices in France and abroad.

SERVICE OF SUPERVISION OF PRIVATE INSURANCE SOCIETIES

SUPERVISION OF SOCIETIES FOR INSURANCE AGAINST INDUSTRIAL ACCIDENTS

COUNCILS, COMMITTEES AND COMMISSIONS

Superior Commission on Industrial Labour.

Commission on Industrial Hygiene.

Commission for Codification of Labour Laws.

Superior Labour Council.

Superior Statistical Council.

Superior Co-operation Council.

Superior Council for Workers' and Peasants' Pensions.

Consultative Commission on Disablement.

Commission for Preparing the Distribution of Subsidies to Workers' Associations for Production and Credit.

Commission for Preparing the Distribution of Subsidies to Consumers' Co-operative Societies and Unions of Societies.

Commission on Unemployment Funds.

Commission on Public Employment Offices.



Superior Commission on the National Fund for Old Age Pensions.  
Superior Commission on Death and Accident Insurance Funds.  
Consultative Committee on Insurance against Industrial Accidents.  
Consultative Committee on Life Insurance Societies.  
Consultative Committee on Capitalisation and Savings Undertakings.  
Consultative Committee on Re-Insurance and Contract Insurance.

**PUBLICATIONS :**

*Bulletin du Ministère du Travail.*

*Bulletin de l'Inspection du travail et de l'Hygiène industrielle.*

*Bulletin de la Statistique générale de la France.*

## APPENDIX III

### Reports of the French Superior Labour Council

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- 1re Session (1891).—*Compte rendu des séances*.—Rapports : Bur. de placement (M. Thévenet).—Protection des salaires (M. Martelin).—Création d'un office du travail (M. Keufer).—L'arbitrage dans les conflits entre patrons et ouvriers (M. Finance).
- 2e Session (1892).—*Compte rendu*.—Rapports : Organisation du crédit populaire (MM. Labeyrie et Delahaye).—Sociétés coopératives de crédit (M. Lyon-Caen).—Habitations ouvrières (M. Siegfried).—Musée d'économie sociale (M. Linder).—Règlements d'atelier (M. Keufer).—Pétition des typographes de Lyon.
- 3e et 4e Sessions (déc. 1893—janv. 1894).—*Compte rendu*.—Rapport sur l'organisation du crédit populaire (M. Many).
- 5e Session (1895).—*Compte rendu*.—Rapport sur la création de chambres de travail (M. Depasse).
- 6e Session (1896).—*Compte rendu*.—Rapports : L'insaisissabilité des pensions ouvrières (M. Paulet).—La question du chômage (MM. Moron, Finance et Keufer).  
Rapport sur la question du chômage, accompagné de documents réunis par l'Office du travail.  
Statistique des travaux de secours en cas de chômage (1896, 1897, 1898) [Note de l'Office du travail].
- 7e Session (1897).—*Compte rendu*.—Rapport sur le système actuel des adjudications (M. Keufer).—Note de l'Office du travail sur le minimum de salaire dans les travaux publics.
- 8e Session (1898).—*Compte rendu*.—Rapport sur le marchandage (M. Goy).—Note de l'Office du travail sur le marchandage.
- 9e Session (1900).—*Compte rendu*.  
Les conseils de prud'hommes (Documents et enquête de l'Office du travail).  
Enquête sur la législation des conseils de prud'hommes (par l'Office du travail).
- 10e Session (1901).—*Compte rendu*.  
Rapports et documents sur la réglementation du travail dans les bureaux et magasins (M. Dalle) et dans les petites industries de l'alimentation (M. Barafort).  
Rapports sur diverses modifications à la législation des prud'hommes (M. Dalle) et sur les renvois par suite de saisie-arrest (M. Guérard).
- 11e Session (1902).—*Compte rendu*.  
Apprentissage : enquête et documents (Rapport de M. Briat). Rapport sur les groupes professionnels du conseil supérieur (M. Fagnot).
- 12e Session (1903).—*Compte rendu*.  
Les caisses de chômage.

- Réglementation du travail dans les industries de transport (Rapport de M. Moreau).  
 Enquête et documents sur le délai-congé.
- 13e Session (1904).—*Compte rendu*.  
 Le repos hebdomadaire (Rapport de Mlle. Blondelu).
- 14e Session (juin 1905).—*Compte rendu*.  
 Le délai-congé (Rapport de M. Manoury).
- 15e Session (nov. 1905).—*Compte rendu*.  
 L'enseignement professionnel (Rapport de M. Briat).
- 16e Session (nov. 1906).—*Compte rendu*.  
 L'affichage des lois ouvrières (Rapport de M. Paillot).  
 L'inspection du travail (Rapport de M. Bourderon).
- 17e Session (nov. 1907).—*Compte rendu*.  
 La capacité professionnelle des syndicats.  
 L'organisation du Conseil supérieur du Travail.  
 La protection des salaires en cas de faillite ou de déconfiture (Rapport de M. Fagnot).
- 18e Session (nov. 1908).—*Compte rendu*.  
 Les décrets du 10 août 1899 sur les adjudications (Rapport de M. Honoré, précédé d'une note de M. Keufer).  
 Les cautionnements versés par les salariés (Rapport de M. Monduit).
- 19e Session (nov. 1909).—*Compte rendu*.  
 La législation sur les syndicats professionnels (Rapport de M. Keufer et de M. Touron).
- 20e Session (nov. 1910).—*Compte rendu*.  
 Salaire minimum pour les ouvrières à domicile (Rapport de M. Honoré).
- 21e Session (nov. 1911).—*Compte rendu*.  
 Le travail de nuit dans la boulangerie (Rapports de M. Cleuet et de M. Soulé).
- 22e Session (nov. 1912).—*Compte rendu*.  
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## APPENDIX IV

Letters of M. Albert Thomas, Director of the  
International Labour Office

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28 July 1929.

To the Social Week at Besançon, July 1929.

MY DEAR PRESIDENT,

This year, I had every hope of being able to attend the French Social Week in person as the representative of the International Labour Organization. But circumstances beyond my control have prevented me from joining in "this lunch where I hoped to meet the delegates to the Week." I would not miss the opportunity, however, of expressing in a few brief words the sentiments uniting us.

"As convinced and loyal Catholics, you maintain that in your religion will be found the foundation, the guiding spirit, and the essential principles of a genuine sociology, and that only when derived from it can a sociology meet the needs of social order." These are the terms in which the founders of the Social Weeks conceived their guiding idea; it is an absolute formula that may clash with others. Convinced and loyal socialists may have the same absolute faith in their doctrine. But will you not agree with me that the solidarity of labour and of needs tends to bring men closer and closer together, that doctrinal strife is yielding more and more to a sort of rivalry in relieving the evils from which humanity suffers? Do you not admit, in the words of one of your delegates, Lucien Romier, that "the religious action of today is turning towards social and moral work?"

In point of fact, during the ten years that the International Labour Organisation has been in existence, the successive sessions of the Social Weeks, with which we have faithfully kept in touch, have proved of most valuable assistance to us. They have perpetuated and broadened the tradition, now half a century old, that all persons of social goodwill should participate in the International Association for Labour Legislation. Catholic socialists with trade unionists and socialists of all shades of opinion have followed the examples of Edouard Vaillant and Albert De Mun, Arthur Groussier and Henri Lorin, in trying to do positive work for the protection of labour.

Some think, perhaps, that our work in common should be limited to the search for methods more likely to relieve some special evil from which labour suffers, the establishment of some practical reform and that we all are mutually under an obligation each to keep, with prudent reserve, to our own field of doctrine. It may be a weakness of character or a tactical error, but for my part, I must confess that I cannot remain indifferent to an emotion or an idea, a movement of the spirit that leads my neighbour to join with me in one and the same practical activity.

It is in this spirit that the Office has followed the annual Social Weeks of France and other countries where Catholic Socialists have proclaimed their views. When they assert "that human life is the highest form of wealth"; when they agree on "the eminent dignity of human personality and the necessity for a society in which it may be developed to the full"; when they appeal to the vocational organizations of employers and workers; when they see in these bodies a means of moral improvement and greater justice, how is it possible not to recognize that here are vigorous moral forces, fully prepared to assist in carrying out the Labour Part of the Treaties of Peace.

This year more than ever, perhaps, the subject you have adopted for your Week seems one to bring out the value of your doctrine. You wish in your turn to examine the new conditions of industrial life, to estimate the value from the point of view of your faith of the methods of scientific organization and rationalization to which the industries of all countries are turning, following the example of America. Is it not true that excessive division of labour, increasing mechanization, the chain system, and the separation in the factory between the conception of the work and its execution, are reducing the modern wage earner more and more to that "state of a fractional worker" which horrified Proudhon? Is it tolerable for a human being to devote the whole strength of nerve and muscle to a single mechanical gesture? Will not the interest in work, the "joy in work" be finally lost? At the same time, will not the eminent dignity of human personality, which you wish to defend, suffer? Rationalization obviously raises a number of other problems for the community and the individual. But is not this a question that touches you more nearly?

These preoccupations I share with you, and I wish you every success in your work, while regretting yet again that I am unable to be with you. Once more, your conclusions cannot fail to assist the Office in removing prejudice and overcoming the resistance that it constantly meets with in the effort to establish social justice and peace among men.

To the Congress of the French General Confederation of Labour held in Paris in September 1929.

Up to the last moment yesterday evening I had hopes of being able to bring you in person, as I did last year, the friendly greetings of the International Labour Organization. But the work of the Second and Fourth Commissions of the Assembly of the League of Nations prevents me from leaving Geneva just now. This morning even, when your sittings had already begun, I was called upon to justify the budget of the International Labour Office, to uphold the rights and interests of its staff, and to demonstrate the value of its work.

I need hardly say how keenly I regret my absence. For one thing, I shall miss this year the stimulating effect your Congress always has on me, for it is indeed a stimulation to renew common memories, to revive in their full force traditions and friendships that separation had seemed to relax. And I shall miss experiencing that atmosphere of confidence which helps me most to keep up heart in the heavy task of international work. Lastly, I shall miss being able to tell you myself how grateful we are here to that staunch friend, who has stood by us through thick and thin and to whom the creation and life of the International Labour Office are so largely due, your Secretary-General, Jouhaux.

At least, I hope that these few words, telephoned in all haste, may serve to

convey to the C.G.T., the organization which in the terms of the Treaty of Peace is "the most representative of workpeople" in France, our sincere wishes for the success of its Congress and for its continued power and activity.

Never, perhaps, has modern society stood in greater need of genuine workers' organizations with sane views and a consciousness of their functions: to prevent the working class, teeming with confused aspirations, from being led astray by delusions and feelings of hatred; to share in the building of the new economic system, by confronting the employers' organizations, which day by day are growing richer, better equipped scientifically, and more intelligently managed, with workers' organizations capable of treating with them as equals and seeing that the rights of the workers are remembered and respected; and above all to help the workers to find their bearings, to take their place, to realize their mission in the world of today, a world still partly in ruins and distracted by the continual emergence of new technical methods and pushed backward and forward alternately by old habits of routine and new notions of progress.

It is through trade union organizations that the eight-hour day, which steadily year by year, is coming to be more universally accepted, will be able to exert its full civilizing influence on the working classes now that, in the fine words of Baudelaire, they have leisure to grow up. Through the insight into the direction of industrial undertakings made possible by trade union organization and the progressive participation in management which it secures for the workers, they will regain, when production is rationalized at every stage, that joy in their work which seemed irretrievably lost.

Again, through trade union organizations the workers are becoming conscious of national and international economic life, and are daily becoming more fitted to inspire and stimulate the different movements which force governments and peoples to work for common ends.

Finally, it is through trade union organization that the workers become aware of the ideal of social justice and can help us to carry out our mission: to secure peace through justice.

These are the hopes with which I send you today the expression of my heartfelt interest in the work of your great Congress.

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